

VERBATIM ¹RECORD OF TRIAL ²

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

Headquarters and
Headquarters Company,
United States Army Garrison
(Unit/Command Name)

(Social Security Number)

U.S. Army

(Branch of Service)

PFC/E-3

(Rank)

Fort Myer, VA 22211

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

¹ Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

² See inside back cover for instructions as to preparation and arrangement.

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, September 29, 2011 4:40 PM
To: coombs@armycourt martialdefense.com
Cc: Matthew kemkes; Tooman, Joshua J CPT MIL US USA TRADOC;
paul.r.bouchard@us.army.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA; Melissa Santiago; Eric Lakes
Subject: RE: [Suspected SPAM] RE: Preserve Evidence Request

David,

Thanks for the chat this afternoon. To recap, you are requesting the preservation of the following items:

1. All SIPR hard drives in the TOC and SCIF of 2/10 MTN, regardless if they were seized or imaged
2. All EnCase forensic images of all computers seized by the United States

v/r
Ashden

From: coombs@armycourtartialdefense.com
Sent: Thursday, September 29, 2011 4:43 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Tooman, Joshua J CPT MIL US
 USA TRADOC <joshua.tooman@us.army.mil>; paul.r.bouchard@us.army.mil; Morrow
 III, JoDean, CPT USA JFHQ-NCR/MDW SJA
 <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
 NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Ford, Arthur D. WO1
 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>; Melissa Santiago
 <melissa.s.santiago@us.army.mil>; Eric Lakes <edl@cyberagentsinc.com>
Subject: RE: [Suspected SPAM] RE: Preserve Evidence Request

Ashden,

Your understanding of the Defense request to preserve evidence is correct.

Best,
David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: [REDACTED]@state.gov>
Sent: Thursday, September 29, 2011 6:37 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>
Subject: FW: Version 2 of the OCA Declaration
Attach: PFK Declaration v11.docx

Ashden, Joe, our A bureau has completed a 2nd draft (attached) of the proposed declaration along the lines we discussed in our meeting. We in L have not yet had a chance to review, but will do so shortly. Nevertheless, we didn't want our review to hold up your consideration of the declaration. Let us know if this is what's needed. Thanks. [REDACTED]

SBU
This email is UNCLASSIFIED.

From: coombs@armycourt martialdefense.com
Sent: Friday, September 30, 2011 8:27 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
 <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>; matthew.kemkes@conus.army.mil; Paul Bouchard <paul.r.bouchard.mil@mail.mil>
Subject: [Suspected SPAM] Agent Interviews

Ashden,

I don't see the necessity for Mr. Andrews' request to work through Mr. King. My main concern is that coordinating with Mr. King will unnecessarily add a layer to the entire process. The agents that we want to speak with are stationed in Alaska, Hawaii, Japan, Germany, Iraq, Afghanistan, and throughout CONUS.

Why is it necessary for Mr. King, as the SAC of CCIU, to coordinate interviews for each of these witnesses? If Mr. King wanted to coordinate the interviews of CCIU agents in his office, then this would make somewhat more sense. However, it appears that Mr. Andrews' email is addressing all CID agents. Also, I am troubled by his statement that "Kenny will coordinate the requests, as appropriate." Does this mean that one or more agents will not cooperate with a defense interview request?

Best,
 David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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----- Original Message -----

Subject: Fw: CPT Bouchard wants to talk to 13 Government witnesses, US v. PFC Bradley Mannin (UNCLASSIFIED)
 From: "Fein, Ashden CPT USA JFHQ-NCR/MDW SJA" <Ashden.Fein@jfhqncr.northcom.mil>
 Date: Thu, September 29, 2011 6:17 pm
 To: <coombs@armycourt martialdefense.com>, <matthew.kemkes@conus.army.mil>
 Cc: "Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA" <JoDean.Morrow@jfhqncr.northcom.mil>, "Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA" <Angel.Overgaard@jfhqncr.northcom.mil>, "Ford, Arthur

D. WO1 USA JFHQ-NCR/MDW SJA" <Arthur.Ford@jfhqncr.northcom.mil>

David,

Please see below. If you have any questions, please let us know.

Vr
Ashden

----- Original Message -----

From: Andrews, Daniel T USA CIV (US) [mailto:daniel.t.andrews.civ@mail.mil]
Sent: Thursday, September 29, 2011 05:15 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; King, Kenneth A USA CIV (US) <kenneth.a.king.civ@mail.mil>
Cc: Walterhouse, Fran W USA CIV (US) <fran.w.walterhouse.civ@mail.mil>; Cuneo, Kerry L MAJ USA MIL (US) <kerry.l.cuneo.mil@mail.mil>
Subject: RE: CPT Bouchard wants to talk to 13 Government witnesses, US v. PFC Bradley Mannin (UNCLASSIFIED)

Ashden,

Due to the ongoing investigation and as yet unresolved classification and national security issues, I'd like to establish a single CID interface for the defense team.

Please convey to the chief defense counsel that SAC Kenny King, CCIU Washington Metro Office, 571-305-4461, will be the focal point for all requests to communicate with CID personnel (agents, forensics examiners, analysts, etc). Kenny will coordinate the requests, as appropriate.

Ultimately, this benefits all parties by streamlining efforts and ensuring appropriate equities are represented. Thanks.

Daniel T. Andrews
Deputy Director
Computer Crime Investigative Unit
U.S. Army CID
571-305-4461
daniel.andrews@us.army.mil

"The Army's Digital Detectives"

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Wednesday, September 28, 2011 4:58 PM
To: Bouchard, Paul R CPT USA MIL (US)
Cc: Robertson, Calder L III USA CIV (US); Shaver, David S USA CIV (US); Pittman, Ryan D USA CIV (US); antonio.p.edwards@us.army.mil; Ellis, Kirk N USA CIV (US); Williams, Stephen C USA CIV (US); Wilbur, John J USA CIV (US); a.l.williamson@us.army.mil; Clapper, Charles M USA CIV (US); ken.kim@us.army.mil; Bettencourt, Troy M USA CIV (US); Mairena, Tamara R USA CIV (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M CPT USA MIL (US)
Subject: RE: CPT Bouchard wants to talk to 13 Government witnesses, US v. PFC Bradley Mannin (UNCLASSIFIED)

CPT Bouchard,

Thank you for the heads up. We will work to comply with this request to the best of our ability, while balancing the ongoing nature of this investigation, other investigations by the United States Government, and national security.

v/r
CPT Fein

-----Original Message-----

From: Bouchard, Paul R CPT USA MIL (US)
[mailto:paul.r.bouchard.mil@mail.mil]
Sent: Wednesday, September 28, 2011 4:12 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: Robertson, Calder L III USA CIV (US); Shaver, David S USA CIV (US); Pittman, Ryan D USA CIV (US); antonio.p.edwards@us.army.mil; Ellis, Kirk N USA CIV (US); Williams, Stephen C USA CIV (US); Wilbur, John J USA CIV (US); al.williamson@us.army.mil; Clapper, Charles M USA CIV (US); ken.kim@us.army.mil; Bettencourt, Troy M USA CIV (US); Mairena, Tamara R USA CIV (US)
Subject: CPT Bouchard wants to talk to 13 Government witnesses, US v. PFC Bradley Mannin (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Ashden - FYI and heads up

I need to speak to the individuals listed on the cc line vis-à-vis the Manning case. As you know, we have equal access to these persons as you do with any potential defense witnesses.

I have phone numbers for these individuals and will begin calling them tomorrow, 29 September. My questions will be in the area of computer forensics.

I do not have any contact information - telephone or e-mail address -- for Mr. Mark Johnson. He apparently works at the Computer Crimes Investigative Unit at Quantico, VA. Any contact information on Mr. Johnson is greatly appreciated.

Respectfully,
CPT Paul Bouchard
Defense Counsel
Trial Defense Services
Fort Meade Field Office
Fort Meade, Maryland
Office: 301-677-9231
Classification: UNCLASSIFIED
Caveats: FOUO

From: Kemkes, Matthew J MAJ MIL USA [matthew.kemkes@us.army.mil]
Sent: Friday, September 30, 2011 4:25 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: coombs@armycourt martialdefense.com; Santiago, Melissa S CW2 RES USA
Subject: Request for Supplies (UNCLASSIFIED)
Attachments: Request for Supplies.pdf
Signed By: matthew.kemkes@us.army.mil

Follow Up Flag: Follow up
Flag Status: Completed

Classification: UNCLASSIFIED
Caveats: FOUO

CPT Fein,

Please see the attached request.

Respectfully,

MAJ Matthew J. Kemkes
Senior Defense Counsel, NCR
U.S. Army Trial Defense Service
Fort Myer, Virginia
Office: (703) 696-6700/3038

Classification: UNCLASSIFIED
Caveats: FOUO

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Sunday, October 02, 2011 8:13 PM
To: 'coombs@armycourtmarialdefense.com'
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; 'matthew.kemkes@conus.army.mil'; 'paul.r.bouchard.mil@mail.mil'
Subject: Re: Agent Interviews

David,

I appreciate your concern; however, rather than an unnecessary added layer, CCIU's response seems to be a more efficient means by which to coordinate the interviews of numerous agents. As you accurately stated, agents are stationed worldwide, and coordinating interviews in different time zones, particularly with deployed individuals, can be very time-consuming. SA King will be able to de-conflict schedules for you and ensure the availability of the appropriate individuals at a time convenient for you.

Also, this is still an ongoing national security investigation involving other law enforcement agencies and equities, and classification reviews are still ongoing. It seems much more burdensome and time-consuming for you to ask an agent a question and have to wait for him to determine whether his response is classified or whether the information in his response has been approved for release before he can answer your question.

In his email, SA Andrews refers to the unresolved classification and national security issues. The "as appropriate" language, therefore, likely refers to these concerns and ensuring agent responses do not compromise any information that cannot be released at this point in time.

CCIU is aware of the Article 32, Article 46, and the accused's right of equal access to witnesses; however, given the national security concerns and pending approvals and classification reviews, SA King's coordination seems necessary to ensure all equities are protected while also ensuring your ability to prepare for the Article 32.

Please let me know if you have any further questions or concerns.

Vr
Ashden

From: coombs@armycourt martialdefense.com
Sent: Sunday, October 2, 2011 11:48 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>; matthew.kemkes@conus.army.mil; paul.r.bouchard.mil@mail.mil
Subject: [Suspected SPAM] RE: Agent Interviews

Ashden,

I am all for efficiency, and I appreciate CCIU's interest in assisting the Defense in coordinating the interviews of numerous agents. I want to make sure that I understand how this process is intended to work. Is SA King simply setting up convenient times for us to interview the requested agents or will he also have some additional role? How is coordinating through SA King going to avoid a situation where an agent needs to determine whether his response is classified or not? How is coordinating through SA King going to ensure that an agent's response does not compromise any information that cannot be released at this point in time?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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From: [REDACTED] (US); [REDACTED]@mail.mil]
Sent: Tuesday, October 04, 2011 11:09 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: [REDACTED] (US); [REDACTED] (US); Ford, Arthur D, WO1 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; [REDACTED] (US); [REDACTED] (US); [REDACTED] (US); [REDACTED] USA MIL (US)
Subject: RE: CCIU Forensic Reports
Signed By: [REDACTED]@us.army.mil

CPT Fein,

CID Report of Investigation 0028-10-CID21-10117 (including allied documentation) is classified; however, all classified information was derived from non-CID classification authorities. None of the information in CID ROI 0028-10-CID21-10117 was classified pursuant to CID's original classification authority.

Further dissemination of the CID report may be effected IAW established discovery procedures.

[REDACTED]
 Computer Crime Investigative Unit
 U.S. Army CID
 [REDACTED]
 [REDACTED]@us.army.mil

"The Army's Digital Detectives"

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
[mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Tuesday, October 04, 2011 9:57 AM
To: [REDACTED] USA CIV (US)
Cc: [REDACTED] USA CIV (US); [REDACTED] USA CIV (US); Ford, Arthur D Jr WO1 USA MIL (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: CCIU Forensic Reports
Importance: High

SA [REDACTED],

We received the final version of the forensic reports yesterday. When do you estimate that we will receive the final decision on whether there are any CCIU/CID classified equities involved in the reports? Once we receive this answer, then we will send the reports up to the DA G2 for approval to turn over in discovery.

Thank you.

v/r

CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 06, 2011 3:02 PM
To: [REDACTED] (US)
Cc: [REDACTED] (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: Preservation Request
Attachments: 111004-Evidence Preservation Request (CCIU).pdf

[REDACTED],
Please see attached Preservation Request. Thank you.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 06, 2011 3:03 PM
To: [REDACTED]
Cc: [REDACTED] (NSD); Morrow III, JoDean, CPT
USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Preservation Request)
Attachments: 111004-Evidence Preservation Request (FBI).pdf

[REDACTED]

Good afternoon. Please see attached preservation request. This request is in addition to the standing PSR we previously submitted. Thank you.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 06, 2011 3:23 PM
To: coombs@armycourt martialdefense.com
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; matthew.kemkes@conus.army.mil; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC
Subject: RE: [Suspected SPAM] RE: Agent Interviews

David,

Thanks for the phone meeting. Please read below, and let me know if this is an accurate recount:

1. The United States should be ready to turnover the classified forensic evidence by 3 Nov 11. When it is ready, we will work to provide the production to the defense at Fort Myer. Because of the New Developments course that week, you rather meet the following week for the prosecution to discuss the case, as outlined below, with the defense.
2. We will plan on meeting on 8-9 Nov. The defense team will be present, with or without the computer forensic experts and the security experts.
3. Depending on the outcome of the meeting, you might want to have your client flown out to the NCR to sit down and receive the same briefing/explanation of the forensic evidence. That decision will be made after the initial meeting.
4. Assuming the prosecution receives the final classification review, we the approvals to turn over classified information, we will be ready to move immediately into the Article 32 investigation. The prosecution will notify the SPMCA and the Article 32 will likely be ordered to occur soon after the 8-9 Nov meeting.
5. The prosecution will make available the classified evidence as soon as we receive the approvals and have it prepared to turn-over, even if before 3 Nov.

Thank you.

v/r
Ashden

From: coombs@armycourtartialdefense.com
Sent: Thursday, October 6, 2011 4:02 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>;
matthew.kemkes@conus.army.mil; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.tooman@us.army.mil>
Subject: RE: [Suspected SPAM] RE: Agent Interviews

Ashden,

I agree with your synopsis of our conversation.

If the classified discovery is provided to the defense prior to our meeting, I will come down to look through the information. Additionally, the defense will be ready to conduct the Article 32 as soon as the SPCMCA orders it to begin. Once we receive the witness list from the Article 32 Officer, the defense will submit its witness list.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: [REDACTED] (US) [REDACTED]@mail.mil]
Sent: Thursday, October 06, 2011 4:26 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: [REDACTED] (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; [REDACTED] (US);
[REDACTED] (US); [REDACTED] (US); [REDACTED] (US);
[REDACTED] (US)
Subject: RE: Preservation Request
Attachments: 111004-Evidence Preservation Request (CCIU).pdf
Signed By: [REDACTED]@us.army.mil
Follow Up Flag: Follow up
Flag Status: Completed

Ashden,

Receipt acknowledged.

All evidence collected by CID has been, and will continue to be, preserved until the completion of any judicial actions, appeals, and disposition approval as prescribed by AR 195-5.

The defense's request specifically mentions all hard drives used in the 2/10 BCT's T-SCIF and TOC. With the exception of any items collected as evidence, CID does not control those hard drives and is not in a position to preserve them. I presume that a similar preservation request has been (or will be) directed to 2/10 BCT and/or USF-I?

[REDACTED]
Computer Crime Investigative Unit
U.S. Army CID
[REDACTED]

"The Army's Digital Detectives"

From: [REDACTED]@ic.fbi.gov>
Sent: Thursday, October 6, 2011 4:29 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: [REDACTED]@ic.fbi.gov>
Subject: Damage Assessment

Ashden -

You can send the formal request for the damage assessment to [REDACTED] Assistant Director, Counterintelligence Division. He will get it to the right people. And, just so you know, we actually called it an impact statement. In case that makes a difference for your letter.

I reached out to [REDACTED] re the PSR, but he's out of the office until Tuesday.

Let me know if there's anything else.

Thanks!

[REDACTED]
Assistant General Counsel
National Security Law Branch
[REDACTED]

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 06, 2011 4:55 PM
To: [REDACTED] (US)
Cc: [REDACTED] (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA, [REDACTED] (US);
[REDACTED] (US); [REDACTED] (US); [REDACTED] (US);
[REDACTED] (US)
Subject: RE: Preservation Request

Thank you. We sent a request to 2-10 and we are sending one to ARCENT as the TPE property holder.

From: [REDACTED]@ic.fbi.gov>
Sent: Friday, October 7, 2011 7:00 AM
To: [REDACTED]@ic.fbi.gov>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: [REDACTED]@ic.fbi.gov>; [REDACTED]@usdoj.gov>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>
Subject: Re: US v. PFC BM (Preservation Request)

[REDACTED] Ashden,

WFO has started this process but have not completed. Will provide an update on progress later next week as I will be on travel until the middle of next week. Thanks.

[REDACTED]
Supervisory Special Agent (SSA)
FBI
Washington Field Office
601 4th Street, NW
Washington, DC 20535
[REDACTED] Office
[REDACTED] Cell

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 07, 2011 5:23 PM
To: [REDACTED] USA OTJAG
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; [REDACTED] (NSD)
Subject: Classification Reviews
Attachments: 111006-Updated Request for Classification Review (SOUTHCOM).pdf; 111006-Updated Request for Classification Review (CENTCOM).pdf

Sir,

Thank you for your continued assistance. Attached is our updated request for the completion of the classification reviews by SOUTHCOM and CENTCOM.

[REDACTED]
Hopefully we can chat early next week. Thank you and have a good weekend.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 07, 2011 5:22 PM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; [REDACTED] USA OTJAG; [REDACTED] (NSD)
Subject: Classification Review
Attachments: 111006-Updated Request for Classification Review (DoS).pdf

[REDACTED],

Thank you for your continued assistance. Attached is our updated request for the completion of the classification review. As you will see, we provided a new date and consider this one a "hard date". Hopefully we can chat early next week. Thank you and have a good weekend.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, October 12, 2011 8:21 AM
To: [REDACTED] USA OTJAG
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: Phone Call

Sir,

Are you available for a phone conversation this afternoon? Thank you.

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, October 12, 2011 8:47 AM
To: [REDACTED] USA OTJAG
Subject: RE: Phone Call (UNCLASSIFIED)

Scheduled. Thank you.

From: [REDACTED] USA OTJAG [REDACTED] @conus.army.mil]
Sent: Wednesday, October 12, 2011 8:45 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Phone Call (UNCLASSIFIED)
Signed By: david.mayfield@us.army.mil

Classification: UNCLASSIFIED

Caveats: NONE

Sure...1500?

[REDACTED]
Office of the Judge Advocate General of the Army, Pentagon 3D548

NIPR: [REDACTED] @conus.army.mil

SIPR: [REDACTED] @HQDA-S.army.smil.mil

JWICS: [REDACTED] @dmi.ic.gov

Tel: [REDACTED]

From: [REDACTED]@dodiis.mil]
Sent: Wednesday, October 12, 2011 8:56 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: RE: Phone Update
Signed By: [REDACTED]@us.army.mil

Ashden -

I should be here all afternoon. Thanks.

[REDACTED]
-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
[mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Wednesday, October 12, 2011 8:40 AM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: Phone Update

Sir,

Good morning. I tried calling a little bit ago and did not leave a message. Are you available this afternoon for a phone conversation? Thanks.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 13, 2011 1:10 PM
To: [REDACTED] MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)

Sir. FYSA. We produced additional discovery. As of yesterday, a total of 45,581 pages.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 13, 2011 1:09 PM
To: 'coombs@armycourt martialdefense.com'
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC'; 'paul.r.bouchard@us.army.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; 'Melissa Santiago'
Subject: US v. PFC BM (Discovery)

David,

Yesterday, we sent to you (tracking # 7010 1060 0001 1274 4019) and delivered to MAJ Kemkes unclassified discovery (BATES: 00045302-00045581). These documents are miscellaneous documents from the CID case file. We also re-delivered the three classified laptops to the TDS office and verified that CW2 Santiago could log on to one of them.

v/r
Ashden

Tracking:

From: coombs@armycourtartialdefense.com
Sent: Thursday, October 13, 2011 1:35 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Tooman, Joshua J CPT MIL US
USA TRADOC <joshua.tooman@us.army.mil>; paul.r.bouchard@us.army.mil; Morrow
III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Ford, Arthur D. WO1
USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>; Melissa Santiago
<melissa.s.santiago@us.army.mil>
Subject: RE: US v. PFC BM (Discovery)
Attach: 13 Oct Discovery Request.pdf

Ashden,

Thank you for the update. Please see the attached discovery request. Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, October 17, 2011 9:45 AM
To: 'coombs@armycourtmarialdefense.com'
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC';
'paul.r.bouchard@us.army.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA; 'Melissa Santiago'
Subject: RE: US v. PFC BM (Discovery)

David,

We acknowledge receipt of this discovery request and are working to process.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, October 18, 2011 9:23 AM
To: coombs@armycourt martialdefense.com
Cc: Matthew kemkes; Tooman, Joshua J CPT MIL US USA TRADOC;
paul.r.bouchard@us.army.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA; Melissa Santiago
Subject: US v. PFC BM
Attachments: 111014-Excludable Delay Memorandum.pdf

David,

Attached is the SPCMCA excludable delay accounting memo.

v/r
Ashden

From: [REDACTED] USA OTJAG [REDACTED] @conus.army.mil]
Sent: Wednesday, October 19, 2011 8:14 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Subject: RE: centcom review (UNCLASSIFIED)
Signed By: [REDACTED] @us.army.mil

Classification: UNCLASSIFIED

Caveats: NONE

Got it and just sent to CENTCOM via SIPR.

[REDACTED]
[REDACTED]
Office of the Judge Advocate General of the Army, Pentagon 3D548

NIPR: [REDACTED] @conus.army.mil
SIPR: [REDACTED] @HQDA-S.army.smil.mil
JWICS: [REDACTED] @dami.ic.gov
Tel: [REDACTED]

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 21, 2011 7:04 AM
To: [REDACTED] MIL USA
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)

Sir. FYSA-Ongoing unclassified discovery production.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, October 21, 2011 7:03 AM
To: 'coombs@armycourt martialdefense.com'
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC'; 'paul.r.bouchard@us.army.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery)

David,

Yesterday, we sent to you (tracking: 7010 1060 0001 1274 4026) miscellaneous CID documents from their case file (00045582-00046073). We also delivered a copy to MAJ Kemkes. Have a good weekend.

v/r
Ashden

Tracking:

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, October 25, 2011 6:11 PM
To: 'carl.coffman@us.army.mil'
Cc: 'coombs@armycourtmarialdefense.com'; Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; 'paul.r.bouchard@us.army.mil'; 'Haberland,John CPT MIL USA'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT MIL US USA TRADOC'
Subject: US v. PFC BM (Art 32 Delay Request)
Attachments: 111025-Government Request to Delay Article 32.pdf
Importance: High

Sir,

The United States requests a delay of the Article 32. Please see the attached request.

v/r
CPT Fein

Ashden Fein
CPT, JA

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, October 25, 2011 6:15 PM
To: 'coombs@armycourtmarialdefense.com'
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
'paul.r.bouchard@us.army.mil'; 'Haberland,John CPT MIL USA'; Overgaard, Angel M. CPT
USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT MIL US USA TRADOC'
Subject: US v. PFC BM (8-9 Nov 11 Meeting)
Attachments: 111025-Proposed Meeting with Defense.pdf

David,

Good evening. Attached is a memorandum that captures our previous discussions and outlines some ground rules for our 8-9 Nov 11 meeting. Although we expect the meeting only to take one day, we are planning for two. The location and time is TBD. Please let me know if you have any questions.

-Break-

Additionally, we are working to receive the final approval for the forensic reports and other classified information. We hope to have this information by 1 Nov. Once we receive the approval, we will start production and have it ready for your team before the end of the week. Please let us know when you would like us to schedule, if at all, your forensic computer experts to travel out to Fort Meade.

v/r
Ashden

From: coombs@armycourtartialdefense.com
Sent: Tuesday, October 25, 2011 6:45 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; paul.r.bouchard@us.army.mil; Haberland, John CPT MIL USA <john.haberland@us.army.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.tooman@us.army.mil>
Subject: [Suspected SPAM] RE: US v. PFC BM (8-9 Nov 11 Meeting)
Attach: TC Presentation.pdf

Ashden,

The terms of our November meeting as proposed in your memorandum are acceptable to the defense. I have attached my signed acknowledgement.

I will be traveling to D.C. on the 7th along with other defense experts to conduct a review, prior to our meeting, of the classified discovery. Please let me know if anything affects the time line for the Government's disclosure of the classified discovery. CPT Bouchard will contact you later this week in regards to the forensic review by Mr. Lakes and Mr. Struttman.

Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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From: coombs@armycourtartialdefense.com
Sent: Tuesday, October 25, 2011 6:49 PM
To: carl.coffman@us.army.mil
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; paul.r.bouchard@us.army.mil; Haberland, John CPT MIL USA <john.haberland@us.army.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.tooman@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Delay Request)

Sir,

The defense maintains its previous position that any additional delay should not be excluded under R.C.M. 707 (c). Instead, the requested delay should be credited to the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

V/R
David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, October 26, 2011 11:51 AM
To: [REDACTED] USA OTJAG
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: today

Sir,

Are you available between 1500 and 1530? I would like to come by and drop off the Army G2 request and chat about it. I sent you a read-ahead on SIPR along with a CYBERCOM damage assessment request. Please do not process the Army G2 request until we discuss and more importantly after I drop off the underlying files/CDs. Thank you!

v/r
Ashden

From: COFFMAN, CARL R COL MIL USA IMCOM <carl.coffman@us.army.mil>
Sent: Wednesday, October 26, 2011 4:37 PM
To: coombs@armycourt martialdefense.com
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; paul.r.bouchard@us.army.mil; Haberland, John CPT MIL USA <john.haberland@us.army.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.tooman@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: RE: US v. PFC BM (Art 32 Delay Request) (UNCLASSIFIED)

Classification: UNCLASSIFIED
Thanks.
Coffman

From: [REDACTED]@dodids.mil]
Sent: Thursday, October 27, 2011 11:20 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: [REDACTED] Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: RE: Expert Support
Signed By: [REDACTED]

Captain Fein, Your request is in the hands of [REDACTED] [REDACTED], who indicated she would obtain approval. jds

[REDACTED]
[REDACTED] General Counsel [REDACTED]
Defense Intelligence Agency
202-231-6895

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
[mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Wednesday, October 26, 2011 6:16 PM
To: [REDACTED]
Cc: [REDACTED] Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: Expert Support

Sir,

Attached is the prosecution's request for continued analytic/security support. Please provide any recommendations, if you think the language should be tweaked. Thank you!

v/r
Ashden

From: Bouchard, Paul R CPT USA MIL (US) <paul.r.bouchard.mil@mail.mil>
Sent: Thursday, October 27, 2011 3:01 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@jfhqncr.northcom.mil>
Subject: Message from CPT Paul Bouchard (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ashden:

1. When do you think the Defense's computer forensics team (Eric Lakes and Trent Struttman) will be able to do their forensics? I know you said you'll have the classified data for us by Nov. 3-4. Just wondering if there's anything else we'll need for Eric and Trent to do their work.
2. Trent told me Eric already booked their (Eric and Trent's) travel for the meeting on Nov. 8 and possibly the 9th. Flights to BWI, hotel, and car rental come out at \$1332.75. They're expecting per diem for food and at cost for gas. Are you okay with this? Again, they booked it in advance.

Thanks,

Paul

Classification: UNCLASSIFIED

Caveats: FOUO

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 27, 2011 3:01 PM
To: Bouchard, Paul R CPT USA MIL (US)
Subject: RE: Message from CPT Paul Bouchard (UNCLASSIFIED)

Paul,

Please call so we can chat. Thanks.

From: Bouchard, Paul R CPT USA MIL (US) <paul.r.bouchard.mil@mail.mil>
Sent: Thursday, October 27, 2011 4:04 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@jfhqncr.northcom.mil>
Cc: coombs@armycourtmarialdefense.com; edl@cyberagentsinc.com;
ts@cyberagentsinc.com; Santiago, Melissa S CW2 USA MIL (US)
<melissa.s.santiago@us.army.mil>
Subject: Message from CPT Paul Bouchard (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ashden:

It was good talking to you. Just a few things.

1. Do you foresee Eric and Trent getting on and off post easily for the Nov. 8 meeting? Both Eric and Trent will attend the Nov. 8 meeting, and it is my understanding that the meeting will be either at Fort Belvoir or the Military District of Washington. Eric and Trent will be in a car rental. Do they need a pass to get on base or a CAC equivalent for contractors/visitors? If so, will this take a lot of time? Anyway we can streamline the process? Just want their travel and on/off post access to be efficient.
2. Computer stuff. I Understand that the Government will give us the classified data by the end of next week. What I want to ensure is that the data (apparently a hard drive containing all of the pertinent forensic images) includes ALL of the computers in question. For efficiency and cost-effective purposes, we want Eric and Trent to come to the DC area once so they can do their forensics. I know lead defense counsel, David Coombs, asked for all of the computers in the TSCIF. Will we get that – the forensic images of all of the computers, not just the computer PFC Manning was assigned to?
3. Understand the Defense Travel Issue (DTS) issue. Awaiting your e-mail on that.

Appreciate any feedback.

Thanks,

Paul

Classification: UNCLASSIFIED

Caveats: FOUO

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, October 27, 2011 10:06 PM
To: 'coombs@armycourt martialdefense.com'
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC';
'paul.r.bouchard@us.army.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA; 'Melissa Santiago'
Subject: US v. PFC BM
Attachments: 111027-Excludable Delay Memorandum.pdf

David,

Attached is the SPCMCA excludable delay accounting memo.

v/r
Ashden

From: [REDACTED] USA OTJAG <[REDACTED]@conus.army.mil>
Sent: Friday, October 28, 2011 4:23 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>
Subject: FW: Attached Image (UNCLASSIFIED)
Attach: 4856_001.pdf

Classification: UNCLASSIFIED
Caveats: NONE

See attached per your request. I also have the original CENTCOM
classification review declaration...just arrived today.

[REDACTED]
[REDACTED]
Office of the Judge Advocate General of the Army, Pentagon 3D548
NIPR: [REDACTED]@conus.army.mil
SIPR: [REDACTED]@HQDA-S.army.smil.mil
JWICS: [REDACTED]@dami.ic.gov
Tel: [REDACTED]

-----Original Message-----

From: 3D548A@conus.army.mil [mailto:3D548A@conus.army.mil]
Sent: Friday, October 28, 2011 4:25 PM
To: Mayfield, David A Mr CIV USA OTJAG
Subject: Attached Image

Classification: UNCLASSIFIED
Caveats: NONE

From: [REDACTED]@state.gov>
Sent: Monday, October 31, 2011 11:04 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; [REDACTED]@state.gov>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>
Subject: RE: Update
Attach: Manning Declaration 10 31 11.pdf

Ashden --

Please find attached a signed version of the classification review for use in the Manning prosecution. The declaration is signed by [REDACTED], Under Secretary for Management at the Department.

If you would like the original signed copy, we are happy to provide this to you, as well.

Thanks immensely.
[REDACTED]

SBU
This email is UNCLASSIFIED

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, November 04, 2011 6:07 PM
To: [REDACTED]@us.army.mil
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery & Meeting Location)

Sir. FYSA below. BLUF: we received final approval to turnover classified forensic data and did so today. A total of 329,055 pages. Waiting on the last 2 classification reviews. Once we receive or at least confirmation they will be complete, we will request a restart of the Article 32. I estimate this request to come to you by the end of next week.

Have a good weekend.

v/r
Ashden

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, November 04, 2011 6:02 PM
To: 'coombs@armycourt martialdefense.com'; Kemkes, Matthew J MAJ MIL USA; 'Tooman, Joshua J CPT MIL US USA TRADOC'; Bouchard, Paul R CPT USA MIL (US)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Discovery & Meeting Location)

David,

DISCOVERY

Today, we received final approval to turn-over the relevant classified information contained in the forensic reports. CW2 Santiago signed for two sets of disks, containing the forensic reports and specific native files (BATES 00046074-00375129).

The production consists of the portions of the forensic reports the government intends to use in its case. The associated native files are non-word processed files, such as audio/visual files and spreadsheets, and each has an associated placeholder document with a single BATES stamp.

If you have any questions, please let us know.

MEETING LOCATION

On Monday, I will send out the exact location of our meeting. We are trying to reserve a different conference room at Fort McNair and will know by Monday.
Please plan on starting by 0900.

Thank you and have a good weekend.

v/r
Ashden

From: coombs@armycourt martialdefense.com
Sent: Wednesday, November 9, 2011 10:59 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>;
 too@armycourt martialdefense.com; Paul Bouchard <paul.r.bouchard.mil@mail.mil>;
 Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA
 JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>
Cc: Eric Lakes <edl@cyberagentsinc.com>; ts@cyberagentsinc.com; Parra, Jairo A. WO1
 USA JFHQ-NCR/MDW SJA <jairo.parra@jfhqncr.northcom.mil>; Ford, Arthur D.
 WO1 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>
Subject: 18 November Meeting

Ashden,

Please advise whether the government will be able to coordinate a forensic briefing for BM on 18 November. Given the fact the defense forensic experts will need to travel along with myself, I would like to have the meeting take place at 1100. After the briefing, the defense requests that BM be brought to the Fort Myer TDS offices in order to meet with him and our forensic experts.

With regards to our forensic experts, please arrange for their air travel to arrive as early as possible on the 18th and to fly back to Lexington, Kentucky as early as possible on the 19th. Also, after yesterday's briefing, Mr. Lakes informed the defense that he will need the following additional software equipment for his forensic work during his 12-16 December work:

- a) Internet Evidence Finder,
- b) Chrome Analysis

Let me know if you have any questions.

Best,
 David

David E. Coombs, Esq.
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 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
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www.armycourt martialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 09, 2011 11:04 AM
To: 'coombs@armycourtartialdefense.com'; 'too@armycourtartialdefense.com'; 'Paul Bouchard'; Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Cc: 'Eric Lakes'; 'ts@cyberagentsinc.com'; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: RE: 18 November Meeting

David,

Thank you. We are working this morning to determine the best method to conduct this briefing (location-NCR v. LVN-CAC, personnel, etc.). This briefing can occur and I should have an answer to you by 1400. I will call you and we can discuss.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 09, 2011 2:10 PM
To: 'coombs@armycourtartialdefense.com'
Subject: 18 nov

David. 18 nov will work. I will send follow-on email capturing our conversation earlier.

Vr ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 09, 2011 6:42 PM
To: 'coombs@armycourtmarshialdefense.com'
Cc: 'Kemkes, Matthew J MAJ MIL USA'; 'Bouchard, Paul R CPT USA MIL (US)'; 'Tooman, Joshua J CPT MIL US USA TRADOC'; 'Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA'; 'Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA'
Subject: US v. PFC BM (Meeting Request)
Importance: High

David,

Please confirm whether my notes below are accurate for the defense's requested meeting next week to further along potential plea negotiations.

The defense requests the prosecution present the same briefing it gave yesterday (8 Nov 11) to PFC BM on 18 Nov 11. Based on logistics and security concerns, the briefing will occur at Fort Leavenworth. The command will work to have PFC BM brought to the briefing location (TBD) in the morning and then to the TDS office in the afternoon.

Based on your input, the prosecution intends not to present the exact same briefing from yesterday but rather a modified version, focusing on the following:

1. Very condensed background facts section
2. Full forensic overview with detailed explanation
3. Condensed explanation of facts showing enemy possession
4. Brief explanation of actual damage caused

Additionally, you request the prosecution to coordinate your computer forensic experts (Lakes & Struttman) travel to Fort Leavenworth to participate in the briefing, which we will start planning first thing tomorrow morning.

Thank you.

v/r
Ashden

From: coombs@armycourt martialdefense.com
Sent: Monday, November 14, 2011 11:44 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
 <JoDean.Morrow@jfhqncr.northcom.mil>; Bouchard, Paul R CPT USA MIL (US)
 <paul.r.bouchard.mil@mail.mil>; Tooman, Joshua J CPT USA MIL (US)
 <joshua.j.tooman.mil@mail.mil>; Matthew kemkes <matthew.kemkes@us.army.mil>
Subject: Article 32

Ashden,

Based upon our conversation this morning, it looks like there is a possibility that the Article 32 could begin as early as the 12th of December. I understand that the government would like to build in a 30 day buffer between now and the start date of the 32 in order to arrange for all the security needs. I also understand that you expect the CA to order the restart of the 32 in the next couple of days.

Given the IO's availability, why don't we just agree today that the start day will be the 12th of December? This will provide the government with 29 days of prep time. In other words, by starting the ball rolling today and starting the prep for the security issues today, we can adjust the CA's order to reflect the work that has already been done. This would avoid the need to work into Christmas or immediately after the New Year. It would also avoid the likely difficult issues of trying to harness needed witnesses over the holiday period. How does this plan sound to you?

Best,
 David

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 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
coombs@armycourt martialdefense.com
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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, November 14, 2011 11:50 AM
To: coombs@armycourtmarialdefense.com
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Bouchard, Paul R CPT USA MIL (US); Tooman, Joshua J CPT USA MIL (US); Matthew kemkes
Subject: RE: Article 32

David,

Thank you. I should be able to get back to you tomorrow. Unfortunately, because this is a long weekend, most of the key players in the OPORD planning and execution are not available today to discuss and confirm the dates.

v/r
Ashden

From: coombs@armycourtartialdefense.com
Sent: Tuesday, November 15, 2011 9:03 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: ts@cyberagentsinc.com; Bouchard,Paul R CPT USA MIL (US); edl@cyberagentsinc.com; Matthew kemkes; Tooman,Joshua J CPT USA MIL (US); Santiago,Melissa S CW2 USA MIL (US)
Subject: Discovery Request
Attachments: Discovery Request - 15 Nov 11.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Ashden,

I have attached the latest defense discovery request. Let me know if you have any questions.

Best,
David

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Providence, RI 02906
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Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, November 15, 2011 9:06 AM
To: coombs@armycourtartialdefense.com
Cc: ts@cyberagentsinc.com; Bouchard, Paul R CPT USA MIL (US); edl@cyberagentsinc.com; Matthew kemkes; Tooman, Joshua J CPT USA MIL (US); Santiago, Melissa S CW2 USA MIL (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery Request

David,

Acknowledge receipt and we are starting to work immediately. Thank you.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, November 15, 2011 9:38 AM
To: [REDACTED] USA OTJAG
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: Security Officer
Attachments: 111115-Request for Security Officer.pdf

Sir,

Attached is the prosecution's request for a "court" security officer to provide the Article 32 IO. Please note our projected timing. This is only an estimate and can change. We expect the 32 to be ordered to restart in the next week with the date to be set.

Thanks!

Ashden

From: [REDACTED] USA OTJAG - [REDACTED]@conus.army.mil>
Sent: Tuesday, November 15, 2011 10:02 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: RE: Security Officer (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ashden,

I will forward it to the G2 today.

[REDACTED]
[REDACTED]
Office of the Judge Advocate General of the Army, Pentagon 3D548
NIPR: [REDACTED]@conus.army.mil
SIPR: [REDACTED]@HQDA-S.army.smil.mil
JWICS: [REDACTED]@dami.ic.gov
Tel: [REDACTED]

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 16, 2011 7:27 AM
To: [REDACTED] USA OTJAG
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: SOUTHCOM review
Importance: High

Sir- can you please confirm that the SOUTHCOM review is Unclassified? They did not mark the review and the email header states the email is classified. Need to know ASAP, if possible. Thanks.

Ashden

From: [REDACTED] USA OTJAG <[REDACTED]@conus.army.mil>
Sent: Wednesday, November 16, 2011 8:21 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Ford, Arthur D. WO1 USA JFHQ-
NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>
Subject: RE: SOUTHCOM review (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Just spoke with SOUTHCOM. The declaration is UNCLASSIFIED.

[REDACTED]
[REDACTED]
Office of the Judge Advocate General of the Army, Pentagon 3D548

NIPR: [REDACTED]@conus.army.mil
SIPR: [REDACTED]@HQDA-S.army.smil.mil
JWICS: [REDACTED]@dami.ic.gov
Tel: [REDACTED]

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 16, 2011 2:13 PM
To: 'carl.coffman@us.army.mil'
Cc: 'coombs@armycourtmarshialdefense.com'; Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; 'paul.r.bouchard@us.army.mil'; 'Haberland,John CPT MIL USA'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT MIL US USA TRADOC
Subject: US v. PFC BM (Art 32 Restart & Delay)
Attachments: 111116-Request to Restart Art 32 and Delay.pdf
Importance: High

Sir,

The United States requests immediate action on this request to start OPLAN BRAVO. Attached is a request to restart the Article 32 investigation, and a request to exclude additional time under the RCM.

Thank you.

v/r
CPT Fein

From: carl.coffman@us.army.mil
Sent: Wednesday, November 16, 2011 2:23 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: coombs@armycourt martialdefense.com; Matthew kemkes
<matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW
SJA <JoDean.Morrow@jfhqncr.northcom.mil>; paul.r.bouchard@us.army.mil;
Haberland, John CPT MIL USA <john.haberland@us.army.mil>; Overgaard, Angel M.
CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Tooman,
Joshua J CPT MIL US USA TRADOC <joshua.tooman@us.army.mil>
Subject: Re: US v. PFC BM (Art 32 Restart & Delay)

Mr. Coombs.
Does the Defense have any concerns?
VR
COL Coffman
Sent via BlackBerry by AT&T

From: coombs@armycourtartialdefense.com
Sent: Wednesday, November 16, 2011 2:42 PM
To: carl.coffman@us.army.mil
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Haberland, John CPT MIL USA <john.haberland@us.army.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Paul Bouchard <paul.r.bouchard.mil@mail.mil>; Joshua Tooman <joshua.j.tooman.mil@mail.mil>; Melissa Santiago <melissa.s.santiago@us.army.mil>
Subject: [Suspected SPAM] RE: US v. PFC BM (Art 32 Restart & Delay)

Sir,

On Monday, I had a conversation with CPT Fein and LTC Almanza. We discussed the possible dates for the restart of the Article 32, and the need for time for the Government to execute OPLAN Bravo. Later that day, I sent an email to CPT Fein requesting, in anticipation of your order to restart the Article 32, that the Government begin its preparations so that you could order a restart on 12 December 2011. Based upon the Government's request today, it appears that nothing has been done between Monday and today. Additionally, the Government has failed to provide you with any justification for the arbitrary 30-day requirement in order to complete its OPLAN Bravo.

The Defense requests that you order the restart to occur on 12 December 2011. This will provide the government with 27 days to execute its OPLAN Bravo. By ordering the restart on 12 December 2011, you will provide us with enough time to complete the hearing prior to the holiday period. This would avoid any issues with obtaining needed witnesses or unnecessarily requiring some witnesses to cancel their previously scheduled holiday plans.

Additionally, the Defense objects to the Government's request that you determine that the time period between today and the actual restart date should be excludable delay under R.C.M. 707(c). This time period should instead count against the Government for speedy trial purposes under Article 10 of the Uniform Code of Military Justice.

Best,
 David

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 Fax: (508) 689-9282
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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 16, 2011 5:03 PM
To: coombs@armycourt martialdefense.com
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Haberland, John
CPT MIL USA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Paul Bouchard;
Joshua Tooman; Melissa Santiago
Subject: US v. PFC BM (Excludable Delay Accounting)
Attachments: 111116-Excludable Delay Memorandum.pdf

David,

Attached is the periodic excludable delay accounting memorandum signed by the SPCMCA.

v/r
Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 16, 2011 5:26 PM
To: Almanza, Paul
Cc: coombs@armycourtmarialdefense.com; Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Paul Bouchard; Joshua Tooman; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Article 32)
Attachments: 111116-SPCMCA Delay of Article 32 Investigation.pdf; 111116-Special Instructions for Article 32.pdf

Importance: High

LTC Almanza,

Good afternoon. Attached you will find the SPCMCA's order to restart the Article 32 investigation and special instructions associated with conducting the investigation. Additionally, attached is a delay approval by the SPCMCA.

The United States is working on finalizing your administrative and security support. We are receiving assistance from outside organizations so that you will have dedicated support. SGT Waybright (CCed) is currently the paralegal assigned to assist you; however, there will be a permanent replacement designated in the next few weeks.

The United States is ready to move forward at the soonest available date, IAW the SPCMCA's order.

Thank you and have a good evening.

v/r
CPT Fein

From: coombs@armycourtartialdefense.com
Sent: Wednesday, November 16, 2011 5:40 PM
To: Paul Almanza <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Paul Bouchard <paul.r.bouchard.mil@mail.mil>; Joshua Tooman <joshua.j.tooman.mil@mail.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: [Suspected SPAM] RE: US v. PFC BM (Article 32)

LTC Almanza,

The defense requests a start date of 16 December. Given the proximity to the holidays, the defense requests that we conduct the hearing through the weekend of the 17 and 18th and into the following week. If the hearing is not completed by the 23rd, the defense requests that we resume the hearing on the 3 January 2012.

Best,
David

David E. Coombs, Esq.
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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 16, 2011 6:39 PM
To: Almanza, Paul; coombs@armycourt martialdefense.com
Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: RE: US v. PFC BM (Article 32)

Sir,

The United States does not object and also recommends we conduct the hearing through the 17th and 18th.

v/r
CPT Fein

From: coombs@armycourtartialdefense.com
Sent: Wednesday, November 16, 2011 8:27 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Paul Bouchard
<paul.r.bouchard.mil@mail.mil>; Joshua Tooman <joshua.j.tooman.mil@mail.mil>;
Eric Lakes <edl@cyberagentsinc.com>; Melissa Santiago
<melissa.s.santiago@us.army.mil>
Subject: Discovery Request
Attach: Discovery Request - 16 Nov 11.pdf

Ashden,

Please see that attached discovery request.

Best,
David

David E. Coombs, Esq.
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coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 16, 2011 8:55 PM
To: 'coombs@armycourtmarialdefense.com'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Cc: Matthew kemkes; 'paul.r.bouchard.mil@mail.mil'; 'joshua.j.tooman.mil@mail.mil'; 'edl@cyberagentsinc.com'; 'melissa.s.santiago@us.army.mil'
Subject: Re: Discovery Request

David,

Thank you. We will start working this one as well.

Vr ashden

From: Bouchard, Paul R CPT USA MIL (US) <paul.r.bouchard.mil@mail.mil>
Sent: Thursday, November 17, 2011 10:08 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@jfhqncr.northcom.mil>;
coombs@armycourt martialdefense.com; Matthew kemkes
<matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW
SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Tooman, Joshua J CPT USA MIL (US)
<joshua.j.tooman.mil@mail.mil>
Cc: Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
<arthur.ford@jfhqncr.northcom.mil>; Santiago, Melissa S CW2 USA MIL (US)
<melissa.s.santiago@us.army.mil>; edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: Defense request for software, US v. Manning (UNCLASSIFIED)
Attach: request software, signed.pdf

Classification: UNCLASSIFIED

Caveats: FOUO

Ashden:

Our request for computer software -- Chrome Analysis and Internet Evidence Finder -- is the attachment. There's a legitimate need for these products. They are readily available in the marketplace. Chrome Analysis is out of the United Kingdom and retails for 50 pounds -- about \$75. Not sure how much Internet Evidence Finder costs -- I believe it is expensive. However, it is very powerful, works fast, and would actually save the Government money (e.g. Eric and Trent charge \$175 per hour; \$350 per hour for the both of them). These cost savings would go to the Government.

We think what's best is for the Government to purchase these, download them, burn them on a CD, and then I can go to your office and pick up the CDs.

E-mail me or call me if you have any questions.

Timeline: Eric and Trent will be doing their computer forensics here at Fort Meade in mid-December.

My thanks in advance for this request.

V/R
Paul

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, November 17, 2011 11:36 AM
To: 'Bouchard, Paul R CPT USA MIL (US)'; 'coombs@armycourtmartrialdefense.com'; Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; 'Tooman, Joshua J CPT USA MIL (US)'
Cc: Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USA MIL (US)'
Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Paul,

Thank you. I do not understand why the USG needs to purchase these programs for your experts? Don't they already have them? If not, is this not a tool they should be buying on their own as part of their normal course of business?

As with all cases, forensic experts provide their own tools (software and hardware) to conduct their analysis. In this case, the only software the USG provided is software that your experts cannot use on the classified system based on license issues. Is that the case for this software? If these programs are licensed by "dongle" then they should be able to use their "dongle" on the classified system and not lose the use of the program because the system is classified, such as the use of Encase.

Please provide clarification.

Thank you.

v/r
Ashden

From: Eric Lakes <edl@cyberagentsinc.com>
Sent: Thursday, November 17, 2011 12:21 PM
To: Bouchard, Paul R CPT USA MIL (US) <paul.r.bouchard.mil@mail.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@jfhqncr.northcom.mil>
Cc: edl@cyberagentsinc.com; ts@cyberagentsinc.com; coombs@armycourtmarshaldefense.com; Matthew kemkes <matthew.kemkes@us.army.mil>; Tooman, Joshua J CPT USA MIL (US) <joshua.j.tooman.mil@mail.mil>; Santiago, Melissa S CW2 USA MIL (US) <melissa.s.santiago@us.army.mil>
Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Chrome Analysis is licensed per machine.

We can purchase for the case and charge back for the license if you prefer on that. It is 50 pounds per license
Chrome Analysis has to quote each purchase - awaiting their reply!

Eric Lakes
Digital Forensic Examiner
Certified Computer Examiner (CCE)
Certified Homeland Security - III
MCSE, MCP+I, MCP, Network Plus, A+
Cyber Agents, Inc.
<http://www.cyberagentsinc.com>
616 Pasadena Drive
Lexington, KY 40503
cell - 859.983.6655
land line - 859.523.9081 or 9082

From: Almanza, Paul <Paul.Almanza@usdoj.gov>
Sent: Monday, November 21, 2011 10:05 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; coombs@armycourtmarialdefense.com
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>
Subject: RE: US v. PFC BM (Article 32)

CPT Fein -

Thank you. We will start on 16 Dec and will work though the weekend on 17-18 Dec and into the following week. Any objection to the Defense's suggestion that if the hearing is not concluded by 23 Dec, we reconvene on Tues 3 Jan?

LTC Almanza

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@jfhqncr.northcom.mil]
 Sent: Monday, November 21, 2011 7:41 AM
 To: Almanza, Paul; coombs@armycourtmarialdefense.com
 Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
 Subject: RE: US v. PFC BM (Article 32)

Sir,

Good morning. The United States does not object to starting the Article 32 on 16 Dec and working through the weekend. Does that date work for you and if so, we would like to start making the administrative plans to execute Day 1 on 16 Dec. Thank you.

v/r
 CPT Fein

-----Original Message-----

From: Almanza, Paul [mailto:Paul.Almanza@usdoj.gov]
 Sent: Wednesday, November 16, 2011 6:23 PM
 To: coombs@armycourtmarialdefense.com
 Cc: Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
 Subject: Re: US v. PFC BM (Article 32)

Counsel -

I regret that I can't clearly read the pdf documents on my blackberry (I am on official travel out of the country), but I have of course read the emails below.

While of course I'm not making any decisions without reading the pdfs, the defense scheduling request seems reasonable. Do you have any objections to it, Government?

Thanks.

LTC Almanza

From: coombs@armycourtmarialdcfense.com <coombs@armycourtmarialdcfense.com>
 To: Almanza, Paul

Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Paul Bouchard <paul.r.bouchard.mil@mail.mil>; Joshua Tooman <joshua.j.tooman.mil@mail.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Ashden Fein <Ashden.Fein@jfhqncr.northcom.mil>
 Sent: Wed Nov 16 17:39:31 2011
 Subject: RE: US v. PFC BM (Article 32)

LTC Almanza,

The defense requests a start date of 16 December. Given the proximity to the holidays, the defense requests that we conduct the hearing through the weekend of the 17 and 18th into the following week. If the hearing is not completed by the 23rd, the defense requests that we resume the hearing on the 3 January 2012.

Best,
 David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
 coombs@armycourt martialdefense.com
 www.armycourt martialdefense.com

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----- Original Message -----

Subject: US v. PFC BM (Article 32)
 From: "Fein, Ashden CPT USA JFHQ-NCR/MDW SJA" <Ashden.Fein@jfhqncr.northcom.mil>
 Date: Wed, November 16, 2011 5:25 pm
 To: "Almanza, Paul" <Paul.Almanza@usdoj.gov>
 Cc: <coombs@armycourt martialdefense.com>, "Matthew kemkes" <matthew.kemkes@us.army.mil>, "Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA" <JoDean.Morrow@jfhqncr.northcom.mil>, "Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA" <Angel.Overgaard@jfhqncr.northcom.mil>, "Paul Bouchard" <paul.r.bouchard.mil@mail.mil>, "Joshua Tooman" <joshua.j.tooman.mil@mail.mil>, "Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA" <Daniel.Waybright@jfhqncr.northcom.mil>

LTC Almanza,

Good afternoon. Attached you will find the SPCMCA's order to restart the Article 32 investigation and special instructions associated with conducting the investigation. Additionally, attached is a delay approval by the SPCMCA. The United States is working on finalizing your administrative and security support. We are receiving assistance from outside organizations so that you will have dedicated support. SGT Waybright (CCed) is currently the paralegal assigned to assist you; however, there will be a permanent replacement designated in the next few weeks.

The United States is ready to move forward at the soonest available date, IAW the SPCMCA's order.

Thank you and have a good evening.

02219464

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, November 21, 2011 2:58 PM
To: Bouchard, Paul R CPT USA MIL (US)
Cc: coombs@armycourtmarialdefense.com; edl@cyberagentsinc.com; ts@cyberagentsinc.com; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Thank you but could we chat today about this before a "final answer" tomorrow.

-----Original Message-----

From: Bouchard, Paul R CPT USA MIL (US) [mailto:paul.r.bouchard.mil@mail.mil]
Sent: Monday, November 21, 2011 2:57 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: coombs@armycourtmarialdefense.com; edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Ashden:

I should have an answer for you tomorrow regarding our position on the two software products, Chrome Analysis and Internet Evidence Finder.

As to the Chrome Analysis, it's a relatively inexpensive software product (some \$75.00). The reason we're requesting it is because Chrome and/or Chrome browser was mentioned in your presentation.

I'm still waiting to hear from Eric vis-à-vis Internet Evidence Finder. He's doing his research on that; I think I'll have our position outlined for you tomorrow.

Thanks,

V/R

Paul

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Monday, November 21, 2011 8:54 AM
To: Bouchard, Paul R CPT USA MIL (US); coombs@armycourtmarialdefense.com; Kemkes, Matthew J MAJ USA MIL (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USA MIL (US)
Cc: Ford, Arthur D Jr WO1 USA MIL (US); Santiago, Melissa S CW2 USA MIL (US); edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Thank you. Just let me know what time you want to chat this afternoon and I will schedule.

-----Original Message-----

From: Bouchard, Paul R CPT USA MIL (US) [mailto:paul.r.bouchard.mil@mail.mil]

Sent: Monday, November 21, 2011 8:15 AM

To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; coombs@armycourt martialdefense.com; Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USA MIL (US)
Cc: Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USA MIL (US); edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ashden:

We can discuss today, but probably mid-to-late afternoon. I'm still waiting to hear from Eric r/e Internet Evidence Finder.

I will call you or e-mail you.

V/R

Paul

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@jfhqncr.northcom.mil]

Sent: Monday, November 21, 2011 7:43 AM

To: Bouchard, Paul R CPT USA MIL (US); coombs@armycourt martialdefense.com;

Kemkes, Matthew J MAJ USA MIL (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Tooman,

Joshua J CPT USA MIL (US)

Cc: Ford, Arthur D Jr WO1 USA MIL (US); Santiago, Melissa S CW2 USA MIL (US)

Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Paul,

Are you available today to discuss this request? I think there is some confusion. Thank you.

v/r

Ashden

-----Original Message-----

From: Bouchard, Paul R CPT USA MIL (US) [mailto:paul.r.bouchard.mil@mail.mil]

Sent: Thursday, November 17, 2011 5:12 PM

To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; coombs@armycourt martialdefense.com; Matthew

kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USA MIL (US)

Cc: Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USA MIL

(US)

Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ashden:

Chrome Analysis is not expensive, but more importantly, the reason we're requesting it is it was mentioned in your brief.

I'm still waiting to hear on Internet Evidence Finder. Once I get that, I'll send you a reply.

Thanks,

Paul

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@jfhqncr.northcom.mil]
 Sent: Thursday, November 17, 2011 11:36 AM
 To: Bouchard, Paul R CPT USA MIL (US); coombs@armycourt martialdefense.com;
 Kemkes, Matthew J MAJ USA MIL (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Tooman,
 Joshua J CPT USA MIL (US)
 Cc: Ford, Arthur D Jr WO1 USA MIL (US); Santiago, Melissa S CW2 USA MIL (US)
 Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Paul,

Thank you. I do not understand why the USG needs to purchase these programs for your experts? Don't they already have them? If not, is this not a tool they should be buying on their own as part of their normal course of business?

As with all cases, forensic experts provide their own tools (software and hardware) to conduct their analysis. In this case, the only software the USG provided is software that your experts cannot use on the classified system based on license issues. Is that the case for this software? If these programs are licensed by "dongle" then they should be able to use their "dongle" on the classified system and not lose the use of the program because the system is classified, such as the use of Encase.

Please provide clarification.

Thank you.

v/r
 Ashden

-----Original Message-----

From: Bouchard, Paul R CPT USA MIL (US) [mailto:paul.r.bouchard.mil@mail.mil]
 Sent: Thursday, November 17, 2011 10:08 AM
 To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; coombs@armycourt martialdefense.com;
 Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USA MIL (US)
 Cc: Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USA MIL (US);
 edi@cyberagentsinc.com; ts@cyberagentsinc.com
 Subject: Defense request for software, US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
 Caveats: FOUO

Ashden:

Our request for computer software -- Chrome Analysis and Internet Evidence Finder -- is the attachment. There's a legitimate need for these products. They are readily available in the marketplace. Chrome Analysis is out of the United Kingdom and retails for 50 pounds -- about \$75. Not sure how much Internet Evidence Finder costs -- I believe it is expensive. However, it is very powerful, works fast, and would actually save the Government money (e.g Eric and Trent charge \$175 per hour; \$350 per hour for the both of them). These cost savings would go to the Government.

We think what's best is for the Government to purchase these, download them, burn them on a CD, and then I can go to your office and pick up the CDs.

E-mail me or call me if you have any questions.

Timeline: Eric and Trent will be doing their computer forensics here at Fort Meade in mid-December.

My thanks in advance for this request.

V/R
Paul

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Wednesday, November 16, 2011 5:32 PM
To: coombs@armycourt martialdefense.com; Bouchard, Paul R CPT USA MIL (US); Kemkes, Matthew J MAJ USA MIL (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Cc: Ford, Arthur D Jr WO1 USA MIL (US)
Subject: RE: 18 November Meeting

Paul,

Could you please provide a written request with an explanation on what additional software/equipment is needed by your experts. I assume that you were referencing this email yesterday during our phone conversation. Thank you.

v/r
Ashden

-----Original Message-----

From: coombs@armycourt martialdefense.com
[mailto:coombs@armycourt martialdefense.com]
Sent: Wednesday, November 09, 2011 10:59 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; too@armycourt martialdefense.com; Paul Bouchard; Matthew kemkes; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Cc: Eric Lakes; ts@cyberagentsinc.com; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: 18 November Meeting

Ashden,

Please advise whether the government will be able to coordinate a forensic briefing for BM on 18 November. Given the fact the defense forensic experts will need to travel along with myself, I would like to have the meeting take place at 1100. After the briefing, the defense requests that BM be brought to the Fort Myer TDS offices in order to meet with him and our forensic experts.

With regards to our forensic experts, please arrange for their air travel to arrive as early as possible on the 18th and to fly back to Lexington, Kentucky as early as possible on the 19th. Also, after yesterday's briefing, Mr. Lakes informed the defense that he will need the following additional software equipment for his forensic work during his 12-16 December work:

- a) Internet Evidence Finder;
- b) Chrome Analysis

Let me know if you have any questions.

Best,
David

David E. Coombs, Esq.

Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com <<http://www.armycourtartialdefense.com/>>

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Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: FOUO

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, November 22, 2011 12:53 PM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: Art 32 investigation
Attachments: RCM 405 (Extract).pdf; Deskbook (Extract).pdf

[REDACTED],

Attached are the two documents I spoke about before. The RCM 405 extract is from the Rules for Court Martial and specifically outline the rules for the Article 32 investigation. The Deskbook Extract is the short primer on the Article 32 investigation.

v/r

Ashden

From: coombs@armycourtartialdefense.com
Sent: Tuesday, November 22, 2011 5:46 PM
To: Paul Almanza <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Paul Bouchard <paul.r.bouchard.mil@mail.mil>; Joshua Tooman <joshua.j.tooman.mil@mail.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Melissa Santiago <melissa.s.santiago@us.army.mil>
Subject: Defense 505(h)(3) Notice
Attach: 505(h)(3) Notice.pdf

LTC Almanza,

Please see that attached defense notice.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: coombs@armycourt martialdefense.com
Sent: Tuesday, November 22, 2011 4:12 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: Defense Request for Evidence
Attach: Defense Evidence Request.pdf

LTC Almanza,

Please see the attached request for evidence production.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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From: Bouchard, Paul R CPT USA MIL (US) <paul.r.bouchard.mil@mail.mil>
Sent: Tuesday, November 22, 2011 6:16 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <ashden.fein@jfhqncr.northcom.mil>
Cc: edl@cyberagentsinc.com; ts@cyberagentsinc.com
Subject: RE: Defense request for software, US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Ashden:

I got tied up all day today. ASAP, I will submit our request for the Government to provide Chrome Analysis and Internet Evidence Finder to the Defense. I'll have the request for you over the weekend.

Thanks,

Paul

From: [REDACTED] SES CIV USA DCS G-2 [REDACTED]@us.army.mil]
Sent: Wednesday, November 23, 2011 1:07 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Cc: [REDACTED] USA OTJAG; [REDACTED] USA OGC; [REDACTED] USA DCS G-2; [REDACTED] USA DCS G-2; [REDACTED] SES CIV USA DCS G-2; [REDACTED] USA DCS G-2
Subject: (U) Request for Security Officer Support. ANJA-CL Memo dated 15 Nov 11
Signed By: [REDACTED]@us.army.mil
Follow Up Flag: Follow up
Flag Status: Completed

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Ashden:

The G-2 has identified a Primary and Alternate Security Officer(s) to serve in the U.S. v PFC Bradley Manning case.

Primary: [REDACTED]

Alternate: [REDACTED]

Please let me know what the next step is for these individuals in order to support your requirements.

[REDACTED]
Headquarters, Department of the Army
Office of the Deputy Chief of Staff, G-2
ATTN: DAMI-CDS
1000 Army Pentagon
Washington, D.C. 20310-1000

[REDACTED]

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

From: coombs@armycourtartialdefense.com
Sent: Monday, November 28, 2011 2:14 PM
To: Paul Almanza <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Paul Bouchard <paul.r.bouchard.mil@mail.mil>; Joshua Tooman <joshua.j.tooman.mil@mail.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@jfhqncr.northcom.mil>
Subject: Defense 405(h)(3) Motion
Attach: Defense 405(h)(3) Motion.pdf

LTC Almanza,

Please see the attached defense motion.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, November 28, 2011 10:32 PM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FBI Case File

[REDACTED]

Good evening. Are you available to chat over the phone tomorrow (unsecure)? Thank you.

v/r
Ashden

From: coombs@armycourtartialdefense.com
Sent: Tuesday, November 29, 2011 1:36 PM
To: Paul Almanza <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; Paul Bouchard <paul.r.bouchard.mil@mail.mil>; Joshua Tooman <joshua.j.tooman.mil@mail.mil>; Melissa Santiago <melissa.s.santiago@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <angel.overgaard@jfhqncr.northcom.mil>
Subject: 32 Notification Acknowledgement
Attach: Manning Acknowledgement.pdf

LTC Almanza,

Please see that attached document.

v/r
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Kemkes, Matthew J MIL USA [matthew.kemkes@us.army.mil]
Sent: Wednesday, November 30, 2011 11:51 AM
To: Almanza, Paul
Cc: coombs@armycourt martialdefense.com; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J
CPT MIL US USA TRADOC; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; Morrow III,
JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: RE: US v. PFC BM (Article 32) (UNCLASSIFIED)
Signed By: matthew.kemkes@us.army.mil

Classification: UNCLASSIFIED

Caveats: FOUO

Sir,

I acknowledge the Article 32 schedule running from 16-23 December and resuming, if necessary, on 3 January. While I do not expect it will be an issue, I would like to bring to your attention that I begin ILE at Fort Belvoir on 5 January. Therefore, if we are unable to complete the Article 32 in ten days (16-23 December, 3-4 January), the defense will request that we complete the proceeding on 7-8 January rather than 5-6 January.

Respectfully,
MAJ Kemkes

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, November 30, 2011 10:09 PM
To: Almanza, Paul
Cc: coombs@armycourtartialdefense.com; Kemkes, Matthew J MIL USA; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Article 32)
Attachments: 111130-Government Response to Defense Request 11 Nov 11.pdf

LTC Almanza,

Good evening. Attached is the government's response to the defense's request for production pursuant to RCM 405. We are working on a response for the defense's RCM 405(h)(3) request and RCM 505(h)(3) notice.

Additionally, below are a few more administrative issues for you:

1. The government recommends you set the uniform for the hearing to the duty uniform- Army Combat Uniform (ACU).
2. The government recommends you order the hearing room to have the same prohibitions as a court-martial IAW the U.S. Army Rules of Practice Before Army Courts-Martial, Rule 6.3 (Prohibitions). This will apply to members of the hearing, spectators, and press.
3. Your hearing security officer (HSO) and the alternate have been designated and listed below. Both work on the U.S. Army G2 staff and are detailed to you full-time when needed. Mr. Prather is waiting your instructions. Primary: Mr. Jay Prather, 703-325-2523 (jay.r.prather@us.army.mil). Alternate: Mr. Rick Ennis, 703-325-2421.
4. By COB Friday, the government intends to publish to you a compilation of references for national security litigation cases. The intent is to provide this reference source for you, your legal advisor, and your HSOs. We will provide the defense a copy.
5. Based on MAJ Kemkes' delay request, the United States recommends that if the hearing is not completed by COB on 23 Dec, the hearing not restart until 7 Jan, so support personnel, security personnel, witness travel and government and defense TDYs can be consolidated into one period starting 7 Jan and not 3-4 Jan and then breaking for two days and restarting. This will minimize the projected impact on Fort Meade and reduce the cost of TDYs. The United States also requests that if the hearing breaks on 23 Dec, that the time between 24 Dec and the restart of the hearing be excludable time.

Thank you.

v/r

CPT Fein

From: coombs@armycourtartialdefense.com
Sent: Thursday, December 1, 2011 10:15 AM
To: Paul Almanza <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: [Suspected SPAM] RE: US v. PFC BM (Article 32)

LTC Almanza,

The government's response to the defense request for production of evidence mistaken treats the request like a standard discovery request. The defense request is not a discovery request, it is a request for production of evidence at the Article 32 under R.C.M. 405(g)(1)(B). The defense will file a compel motion later today detailing its position on this issue.

Additionally, the defense would like to respond to some of the administrative matters raised by the government.

- 1) The defense does not object to ACUs being the duty uniform;
- 2) The defense does not object to the government's request to follow Rule 6.3, however, the defense does request that we allow coffee, soda, or other drinks in the courtroom by the parties if the beverage is in a covered container;
- 3) No issues;
- 4) The defense simply requests to be provided with an advanced copy of the materials that the government intends to provide in order to ensure that there are no issues;
- 5) The defense requests that you not decide this issue at this time. Instead, the defense requests that you wait to determine whether this is even an issue. We may be able to complete the hearing by the 23rd. In the event that we do not, I believe that we will be in a position to determine how many more days are required. If only a couple of more days are required, then we should start up on 3 January as planned. If more than two days are required, the defense still requests that we start on the 3rd. The issue raised by MAJ Kemkes is that after 4 January, he will only be available on the weekends. If we follow the government's recommendation, we may be in a position of not completing the hearing on the 8th and being required to postpone until the 14th of January. In any event, this is not an issue that we need to decide now.

Best,
 David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
 coombs@armycourtartialdefense.com

www.armycourtmarialdefense.com

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From: coombs@armycourtartialdefense.com
Sent: Thursday, December 1, 2011 4:30 PM
To: Paul Almanza <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W.
SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Fein,
Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: Defense Motion to Compel
Attach: Defense Compel Production Motion.pdf, Appendix A-G.pdf

LTC Almanza,

Please see the attached defense motion to compel production of evidence.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Almanza, Paul <Paul.Almanza@usdoj.gov>
Sent: Thursday, December 1, 2011 5:04 PM
To: coombs@armycourt martialdefense.com
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
 Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Morrow III,
 JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>;
 Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
 <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W. SGT USA JFHQ-
 NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Fein, Ashden CPT USA JFHQ-
 NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: RE: Dcfenc Motion to Compel

All -

I've received the defense's motion to compel and the government's response to the defense's request for production of evidence, as well as the emails on administrative topics emails earlier today.

I anticipate making a determination on these issues over the next several days.

Government, would it be possible for me to come to MDW to see the documentary evidence you anticipate providing me and also the list of witnesses you intend to provide either Monday or Tuesday morning next week? This would enable me to prepare my list of evidence I intend to consider and witnesses I intend to hear from by next Wednesday, December 7.

Thank you.

LTC Almanza

From: coombs@armycourt martialdefense.com [mailto:coombs@armycourt martialdefense.com]
Sent: Thursday, December 01, 2011 4:30 PM
To: Almanza, Paul
Cc: Kemkes, Matthew J MIL USA; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA; Ashden Fein
Subject: Defense Motion to Compel

LTC Almanza,

Please see the attached defense motion to compel production of evidence.

Best,
 David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, December 01, 2011 6:04 PM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: RE: FBI Case File

[REDACTED]

Yes. We would need to make it available to the accused. [REDACTED]
[REDACTED]

Thank you and have a great weekend!

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, December 01, 2011 7:03 PM
To: Almanza, Paul; coombs@armycourt martialdefense.com
Cc: Matthew kemkes; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA
TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT
USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: RE: Defense Motion to Compel

Sir,

We can have the information ready. We recommend Monday morning because the information is voluminous. We intend to publish our proposed witness and evidence list tomorrow and it will include applicable discovery BATES numbers for defense to reference.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, December 02, 2011 9:21 AM
To: Almanza, Paul; coombs@armycourt martialdefense.com
Cc: Matthew kemkes; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA
TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT
USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: RE: Defense Motion to Compel

Sir,

0800 is good. We will have your office temporarily ready and a classified computer available to review the material. By COB today, we will submit our proposed evidence and witness lists. The evidence list will include associated BATES numbers so the defense will know exactly what information we are requesting you to consider and what information we are providing you to preliminarily review.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, December 02, 2011 6:50 PM
To: Almanza, Paul
Cc: coombs@armycourtmartrialdefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Witness and Evidence Lists)
Attachments: 111202-Government Witness List (Article 32).pdf; 111202-Government Evidence List (Article 32).pdf

Sir,

Attached are the government's proposed witness and evidence lists. Additionally, the classified enclosures to the evidence list will be available for your review on Monday and the enclosures are available for the defense's inspection.

This weekend, we intend to email a proposed hearing "rules" poster and a response to the defense's RCM 405(h)(3) request.

V/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, December 02, 2011 6:51 PM
To: paul.r.bouchard.mil@mail.mil
Cc: coombs@armycourtartialdefense.com; Matthew kemkes; Tooman, Joshua J CPT MIL US
USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M.
CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Software Approval)
Attachments: 111202-SPCMCA Action for Defense Software.pdf

Paul,

Attached is the SPCMCA's approval of your request. We will act on the purchase Monday morning. MTF.

V/r
Ashden

From: coombs@armycourtartialdefense.com
Sent: Friday, December 2, 2011 11:01 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W.
SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Fein,
Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>;
Melissa Santiago <melissa.s.santiago@us.army.mil>
Subject: Defense Witness List
Attach: Defense Witness List.pdf

LTC Almanza,

Please see the attached defense witness list.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: coombs@armycourtartialdefense.com
Sent: Sunday, December 4, 2011 11:39 AM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Melissa Santiago <melissa.s.santiago@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: Available witnesses and evidence

LTC Almanza,

Pending your ruling on availability of witnesses, the defense would like to provide you with advanced notice of its intent to object to alternatives to testimony under R.C.M. 405(g)(4)(A) and (g)(4)(B). Similarly, the defense will object to consideration of alternatives to evidence under R.C.M. 405(g)(5)(A) and (g)(5)(B).

v/r
 David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Sunday, December 04, 2011 12:38 PM
To: Almanza, Paul
Cc: coombs@armycourtmarshaldefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA; Melissa Santiago
Subject: US v. PFC BM (Govt Response & Admin)
Attachments: 111204-Response to Defense Request to Close Article 32 Hearing.pdf; Rules of Hearing v1.pdf

LTC Almanza,

Good afternoon. Attached is the government's response to the defense RCM 405(h)(3) request. Also, attached is the government's proposed "Rules of Hearing" modeled after Rule 6.3 of the Army Trial Judiciary Rules of Court. The United States intends to post these rules at the entry control points for the hearing.

NLT 0755 tomorrow morning, SGT Waybright will be downstairs in the entry way of the OSJA, MDW to escort you to your office and provide you a sterile classified computer and the material listed on the prosecution's requested evidence list. SGT Waybright will continue to serve as your temporary administrative support, until the permanent support is assigned by 15 Dec 11.

v/r
CPT Fein

From: coombs@armycourtartialdefense.com
Sent: Sunday, December 4, 2011 4:45 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W.
SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Melissa
Santiago <melissa.s.santiago@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW
SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: Sealed Defense Response
Attach: Defense 405(h)(3) Response.pdf; Attachment A.pdf

LTC Almanza,

Please see that attached defense response to the government's 405(h)(3) filing.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, December 05, 2011 8:22 AM
To: Almanza, Paul
Cc: coombs@armycourt martialdefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA; Melissa Santiago
Subject: US v. PFC BM (Protective Orders)
Attachments: 100917-SPCMCA Protective Order for Classified Information.pdf; 110622-SPCMCA Protective Order for LES Information.pdf; 110622-SPCMCA Protective Order for SecArmy 15-6.pdf

Sir,

Attached are the three protective orders currently in place by the SPCMCA. The first is for classified information. The second is for the SecArmy 15-6 and any derivative material. The third is for federal grand jury and sealed documents, and law enforcement sensitive material.

We will provide you a copy with acknowledgments for you to sign. Thank you.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, December 05, 2011 8:43 PM
To: Almanza, Paul
Cc: coombs@armycourt martialdefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil; joshua.j.tooman.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA; melissa.s.santiago@us.army.mil
Subject: US v. PFC BM (Government Response to 505)
Attachments: 111205-Response to Defense Notice Under MRE 505(h)(3).pdf

Sir,

Attached is the government's response to the defense MRE 505(h)(3) request. We intend to provide you a response to the defense's witness request by COB on Wednesday, 7 Dec 11.

Have a good night.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, December 05, 2011 9:28 PM
To: coombs@armycourt martialdefense.com; Matthew kemkes
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: RE: US v. PFC BM (Security)

David,

I have. I spoke with the OCA delegate of one agency and our expert for the other matter. A call tomorrow would be good to explain further.

v/r
Ashden

-----Original Message-----

From: coombs@armycourt martialdefense.com
[\[mailto:coombs@armycourt martialdefense.com\]](mailto:coombs@armycourt martialdefense.com)
Sent: Monday, December 05, 2011 8:46 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; Matthew kemkes
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: RE: US v. PFC BM (Security)
Importance: High

Ashden,

I can talk around 1700 tomorrow. My understanding is that you were going to speak with the OCA to determine if the information was indeed classified. Have you been able to do that yet?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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----- Original Message -----

Subject: US v. PFC BM (Security)
From: "Fein, Ashden CPT USA JFHQ-NCR/MDW SJA"

<Ashden.Fein@jfhqncr.northcom.mil>

Date: Mon, December 05, 2011 7:55 pm

To: <coombs@armycourt martialdefense.com>, "Kemkes, Matthew J MIL USA"

<matthew.kemkes@us.army.mil>

Cc: "Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA"

<JoDean.Morrow@jfhqncr.northcom.mil>

David and MAJ Kemkes,

Are you available in the next day to discuss the potential release of classified information in the following documents:

(1) Defense Request for Production of Evidence, 22 Nov 11 and (2) Sealed Defense Motion for 405(h)(3), 28 Nov 11?

We are not opposed to including your security experts on the phone call. Thank you.

v/r

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 9:42 AM
To: [REDACTED]@us.army.mil'
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Update)

Sir. Good morning. On 2 Dec 11, we received from an OGA the final classification review of our charged documents. We needed this document before we went forward with the Article 32 and now have it. There should be no impediments with us going forward. OPLAN BRAVO is currently underway. Please see the below summary on the OPLAN. I intend to forward you a copy of this update on a daily basis, so you can continue to track its progress.

Thank you.

v/r

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 11:32 AM
To: [REDACTED]@us.army.mil'
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: FW: US v. PFC BM (Discovery)
Attachments: iso burning in windows.pdf

Sir. FYSA. Discovery continues as we prepare for the Article 32.

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 11:32 AM
To: 'coombs@armycourt martialdefense.com'
Cc: Matthew kemkes; 'Tooman, Joshua J CPT MIL US USA TRADOC'; 'paul.r.bouchard@us.army.mil'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA; 'Melissa Santiago'
Subject: US v. PFC BM (Discovery)

David,

On 5 Dec 11, we sent you (tracking # 7010 1060 0001 1274 4057) unclassified discovery (BATES: 00408202-00409672). These documents contain additional pretrial confinement documents and other information).

Today, we sent you (tracking # 7010 1060 0001 1274 4064) unclassified discovery (BATES: 00409673-00409678). These documents contain ISOs (CD/DVD disc images) of IA and other related training. Attached to this email is the Microsoft Windows 7 "help" instructions on how to burn an ISO to a blank CD/DVD.

Today, Both items were delivered to CW2 Santiago (MAJ Kemkes is out of office until 12 Dec).

Additionally, the government purchased the software your experts requested and we are waiting for delivery.

v/r
Ashden

Tracking:

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 3:41 PM
To: Almanza, Paul
Cc: coombs@armycourt martialdefense.com; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Matthew kemkes; Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA
Subject: RE: Lodging & TDY

Sir,

Thank you. For your consideration, the main reason counsel are going to be TDY with rental cars is for physical security and then for time efficiency purposes. We recommend that you stay at a hotel or, at a minimum, rent a car to drive to and from another Army installation to prevent any potential security issues.

v/r
CPT Fein

From: Almanza, Paul <Paul.Almanza@usdoj.gov>
Sent: Tuesday, December 6, 2011 5:15 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: coombs@armycourt martialdefense.com; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA <Jairo.Parra@jfhqncr.northcom.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Matthew kemkes <matthew.kemkes@us.army.mil>; Feito, Beatriz SGT USA JFHQ-NCR/MDW SJA <Beatriz.Feito@jfhqncr.northcom.mil>
Subject: RE: Lodging & TDY

CPT Fein -

Thank you, as I had not even thought of the security issues. That may change my thoughts on driving from home.

I spoke to Mr. Prather and LTC Holzer today about TDY.

Mr. Prather of course will be present throughout the hearing, but did not request TDY. I'll speak to him tomorrow with this additional information.

I'd like LTC Holzer to be present throughout the hearing. He requests TDY.

LTC Almanza

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
 [mailto:Ashden.Fein@jfhqncr.northcom.mil]
 Sent: Tuesday, December 06, 2011 3:41 PM
 To: Almanza, Paul
 Cc: coombs@armycourt martialdefense.com; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Matthew kemkes; Feito, Beatriz SGT USA JFHQ-NCR/MDW SJA
 Subject: RE: Lodging & TDY

Sir,

Thank you. For your consideration, the main reason counsel are going to be TDY with rental cars is for physical security and then for time efficiency purposes. We recommend that you stay at a hotel or, at a minimum, rent a car to drive to and from another Army installation to prevent any potential security issues.

v/r
 CPT Fein

-----Original Message-----

From: Almanza, Paul [mailto:Paul.Almanza@usdoj.gov]
 Sent: Tuesday, December 06, 2011 1:26 PM
 To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
 Cc: coombs@armycourt martialdefense.com; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Matthew kemkes; Feito, Beatriz SGT USA JFHQ-NCR/MDW SJA

Subject: RE: Lodging & TDY

All -

I live within commuting distance (48 miles, actually), of Ft. Meade and plan to commute there each day. I will ask the HSO if he'd like to be there TDY and will discuss this matter with my legal advisor as well.

I anticipate getting back to you on this later today or tomorrow.

Thank you.

LTC Almanza

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
[mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Monday, December 05, 2011 11:29 AM
To: Almanza, Paul
Cc: coombs@armycourtmarshaldefense.com; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW
SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Kemkes, Matthew J MIL USA; Feito, Beatriz SGT USA JFHQ-NCR/MDW SJA
Subject: Lodging & TDY

LTC Almanza,

The prosecution and defense will be TDY during the Article 32. We budgeted for you, your HSO, and admin support to be TDY as well. Please let us know if you would your legal advisor present and TDY. Please coordinate through SGT Feito and WO1 Parra (both CCed) to setup your DTS and ensure its properly funded.

Thank you.

v/r

CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 5:53 PM
To: Almanza, Paul
Cc: coombs@armycourt martialdefense.com; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Matthew kemkes; Feito, Beatriz SGT USA JFHQ- NCR/MDW SJA
Subject: RE: Lodging & TDY

Sir,

Thank you. We can absolutely accommodate all. Please have each of your experts, if they require TDY to call SGT Feito or Mr. Parra (685-1975) and provide their SSN. Once she has it, then she can work the line of accounting through DTS and the authorizations.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 5:56 PM
To: Almanza, Paul; coombs@armycourtmarshialdefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Cc: Holzer, Mark LTC MIL USA OTJAG
Subject: RE: Contacts with Counsel and Legal Advisor

Sir,

Thank you. The United States also has a national security litigation reference CD that we compiled and would like to mail to all participants. We would like to have them in the mail tomorrow morning, but request mailing addresses for you and LTC Holzer. We already have the defense's addresses.

Thank you.

v/r
CPT Fein

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, December 06, 2011 7:18 PM
To: coombs@armycourtmarshaldefense.com; Matthew kemkes; 'Melissa Santiago'
Cc: paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Return of Evidence)
Attachments: 111206-Order to Return Forensic Copies.pdf

David and MAJ Kemkes,

As we discussed on the phone, attached is an order from the SPCMCA for us to retrieve the forensic cube from the defense and delete the images from Mr. Lamo's hard drives. We will provide forensic duplicates of the evidence used by the prosecution and law enforcement on the cube in place of the hard drives.

We will return the drives NLT 12 Dec 11, so that there is no delay before your forensic experts start their analysis.

As per your request, we will ask Mr. Lamo whether he consents to the government and/or defense viewing the entire drive. If he agrees, we will work out with CID on how to implement that process.

Have a good night.

v/r
Ashden

From: Almanza, Paul <Paul.Almanza@usdoj.gov>
Sent: Wednesday, December 7, 2011 5:50 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Holzer, Mark LTC MIL USA OTJAG <Mark.Holzer@us.army.mil>; coombs@armycourt martialdefense.com; Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>
Cc: Holzer, Mark LTC MIL USA OTJAG <mark.holzer@us.army.mil>; Prather, Jay R Mr CIV USA OSA <jay.r.prather@us.army.mil>
Subject: Review of evidence

CPT Fein -

As you may recall, I plan to review evidence from 12-15 December in preparation for the hearing. I'd like to do so without inconveniencing more people than is necessary.

Would it be more convenient for me to come to MDW to do that, or would it be more convenient for me to do that at Fort Meade?

Thanks.

LTC Almanza

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, December 07, 2011 6:29 PM
To: Almanza, Paul; Holzer, Mark LTC MIL USA OTJAG;
coombs@armycourt martialdefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil;
Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-
NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel
W. SGT USA JFHQ-NCR/MDW SJA
Cc: Holzer, Mark LTC MIL USA OTJAG; Prather, Jay R Mr CIV USA OSA
Subject: RE: Review of evidence

Sir,

We recommend you review the evidence at MDW. We have an office reserved on the first floor that will be dedicated to you and will have a safe for you to lock your computer and notes.

We are finalizing the prosecution's reply to the defense witness request and should have it out in the next few hours. Also, we intend to submit an additional evidence list.

Could you please let us know by tomorrow, if possible, whether the proposed Rules of Hearing are sufficient so that we can have posters created for the hearing?

Additionally, we were going to mail the Resource CD to you today, but realized that you will likely get it faster if we leave it for you in your office on Monday or hand deliver the CD tomorrow. Would you like the CD before weekend? If so, could you please provide us your work address and we will deliver the CD tomorrow. We mailed Mr. Coombs his copy and delivered a copy to MAJ Kemkes today.

Thank you.
v/r
CPT Fein

From: Almanza, Paul <Paul.Almanza@usdoj.gov>
Sent: Wednesday, December 7, 2011 6:52 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Holzer, Mark LTC MIL USA OTJAG <mark.holzer@us.army.mil>; coombs@armycourt martialdefense.com; Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>
Cc: Holzer, Mark LTC MIL USA OTJAG <mark.holzer@us.army.mil>; Prather, Jay R Mr CIV USA OSA <jay.r.prather@us.army.mil>
Subject: RE: Review of evidence

All -

Three items:

1. I'll review the evidence at MDW from 12-15 Dec, thanks. Please leave the CD in the office I'll be using and I'll review it on Monday.
2. The Rules of Hearing are good with one minor change to track the language of Rule 6.3. On the fourth bullet, please amend it to read "Cell phone, radios, pagers, iPods, BlackBerrys, and similar devices are not allowed in the hearing unless they are completely turned off."
3. In light of the pending government response to the defense witness request, I will not be submitting my witness and evidence list today, as I had stated in my 23 November memorandum. I will submit that list as soon as possible.

Thank you.

LTC Almanza

-----Original Message-----

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Wednesday, December 07, 2011 6:29 PM
To: Almanza, Paul; Holzer, Mark LTC MIL USA OTJAG; coombs@armycourt martialdefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA
Cc: Holzer, Mark LTC MIL USA OTJAG; Prather, Jay R Mr CIV USA OSA
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If so, could you please provide us your work address and we will deliver the CD tomorrow. We mailed Mr. Coombs his copy and delivered a copy to MAJ Kemkes today.

Thank you.

v/r

CPT Fein

-----Original Message-----

From: Almanza, Paul [<mailto:Paul.Almanza@usdoj.gov>]

Sent: Wednesday, December 07, 2011 5:50 PM

To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA; Holzer, Mark LTC MIL USA OTJAG;

coombs@armycourtmarshialdefense.com; Matthew kemkes;

paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow

III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA

JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA

Cc: Holzer, Mark LTC MIL USA OTJAG; Prather, Jay R Mr CIV USA OSA

Subject: Review of evidence

CPT Fein -

As you may recall, I plan to review evidence from 12-15 December in preparation for the hearing. I'd like to do so without inconveniencing more people than is necessary.

Would it be more convenient for me to come to MDW to do that, or would it be more convenient for me to do that at Fort Meade?

Thanks.

LTC Almanza

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, December 07, 2011 7:22 PM
To: Almanza, Paul; Holzer, Mark LTC MIL USA OTJAG;
coombs@armycourtmarshialdefense.com; Matthew kemkes; paul.r.bouchard.mil@mail.mil;
Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-
NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel
W. SGT USA JFHQ-NCR/MDW SJA
Cc: Holzer, Mark LTC MIL USA OTJAG; Prather, Jay R Mr CIV USA OSA
Subject: RE: Review of evidence

Sir,

Thank you. The United States acknowledges all three of your emails. As for #2 below, we request the language remain the same as we provided on the draft request. We acknowledge that it is a deviation from Rule 6.3; however because the United States intends to present classified information during the hearing, our security experts recommend prohibiting the items and not just ordering them turned off. I apologize for not pointing this out on the front end. Additionally, we could amend the proposed rule to allow for "hearing participants only" to be authorized, if you and counsel would like to have their cell phones in your offices.

v/r
CPT Fein

From: coombs@armycourtartialdefense.com
Sent: Thursday, December 8, 2011 8:53 AM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: paul.r.bouchard.mil@mail.mil; Matthew kemkes <matthew.kemkes@us.army.mil>; melissa.s.santiago@us.army.mil
Subject: RE: Logistics

Ashden,

How does 1300 today sound? As a heads up, I want to cover the following:

- Do you have a map and driving directions that you can provide to the defense? (I assume you would for the government's witnesses, and those limited witnesses that the defense is permitted to bring). I would like to have this for the defense team and the family members of BM.
- Can you provide a general layout of the compound that has been created? Also, I would like to have a general tour on Wednesday of next week to get an overview of the area and courtroom.
- Can you describe the defense trailer(s)?
 - Are there separate offices in the trailer or is it just one big space?
 - Is there a bathroom?
 - Is there a phone?
 - Do we have a printer/paper?
 - Is there internet or a wireless connection?
 - Do we have multiple keys to the trailer so that we can leave items overnight or during the day?
 - Will the defense be the only ones with keys to the trailer(s).
- Will there be a reserved area in the courtroom for defenses team members and BM family members? How many seats?
- How do we ensure that BM family members get on post without any issues?
- How do we ensure that BM family members get into the courtroom without any issues?
- During breaks, can BM family members visit with BM? If so, what are the requirements? If not, why not?
- Where do nonparticipants go during any closed hearing? How will they be able to know when the hearing is no longer closed?
- After each day, the defense would likely want to meet with BM. Are there any time restrictions that we need to know about regarding when he needs to be taken back to his holding cell?
- Can BM be brought out on Thursday of next week to the defense area? If not, why?

Best,

David

David E. Coombs, Esq.

Law Office of David E. Coombs

11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtartialdefense.com

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information and is intended for the person(s) or company named. If you are not the intended recipient, please notify the sender and delete all copies. Unauthorized disclosure, copying or use of this information may be unlawful and is prohibited.***

From: coombs@armycourtartialdefense.com
Sent: Thursday, December 8, 2011 10:01 AM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Fein, Ashden CPT USA
JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Melissa Santiago
<melissa.s.santiago@us.army.mil>
Subject: Administrative Issues

LTC Almanza,

The defense would like to raise a couple of administrative issues:

- 1) The defense requests that all restraints be removed from PFC BM prior to him being taken to the courtroom. The defense also requests that he be permitted to have paper and a pen to take notes;
- 2) I will submit a civilian defense counsel notice of appearance on the 16th. The notice will provide you with my general information and qualifications for the record;
- 3) The defense intends to conduct a brief voir dire of you. Looking at the Article 32 script, it makes the most sense to do that after you ask PFC BM whether he has any questions concerning his right to present anything that he may desire in defense, mitigation, or extenuation.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: coombs@armycourt martialdefense.com
Sent: Thursday, December 8, 2011 12:56 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <Jeffrey.Whyte@jfhqncr.northcom.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Matthew kemkes <matthew.kemkes@us.army.mil>; Paul Bouchard <bouchardp@yahoo.com>; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Holzer, Mark LTC MIL USA OTJAG <mark.holzer@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Melissa Santiago <melissa.s.santiago@us.army.mil>
Subject: Defense Request to Compel Production of Witnesses
Attach: Request to Compel Witnesses.pdf

LTC Almanza,

Please see the attached request to compel the production of the defense requested witnesses. The defense requests a ruling on the production of witnesses at your earliest convenience.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, December 08, 2011 4:01 PM
To: coombs@armycourtmarshaldefense.com; Almanza, Paul
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA; Matthew kemkes; Paul Bouchard; Tooman, Joshua J CPT MIL US USA TRADOC; Holzer, Mark LTC MIL USA OTJAG; Melissa Santiago
Subject: RE: Defense Request to Compel Production of Witnesses

Sir,

In short, the United States maintains its objections.

1. We acknowledge the rights of the accused under RCM 405(f). However, we would like to highlight that there is no documented precedence that empowers the defense to use the Article 32 investigation to explore all possible theories of mitigation and extenuation for matters that would only be potentially relevant during the sentencing phase of the trial, if any. As you will see in Garcia, the Court, in dicta, quotes Article 32 stating the "accused has the right to present anything he may desire in his own behalf[.]" but actually rules on the validity of an Article 32 waiver. The defense's proffered testimony is not relevant to the charged misconduct or any mitigation or extenuation evidence towards the alleged acts of the accused (IAW the charge sheet). The defense is simply trying to use the Article 32 as a vehicle to openly explore alleged failures of the chain of command which are not relevant to charges, thus outside the scope of RCM 405 and your charter. In fact, the defense uses the statement "each of these witnesses can provide different insight into the events that transpired between 1 November 2009 and 27 May 2010[;]" however based on the defense's proffer, the "events" are not related to alleged criminal acts of the accused, but the actions of others who interacted with the accused.

2. RCM 405(g)(1)(A) purposely limits witness production for witnesses that are both relevant and not cumulative. Each witness the United States objects to based on cumulative testimony, is in fact cumulative with others on the witness list. The purpose of the Article 32 is to conduct a "thorough and impartial investigation of all matters" and that can still be accomplished by receiving testimony by multiple other witnesses with similar access to information, proximity to the accused, or part of the same joint investigation.

3. As for any witnesses testifying about alleged mental health issues, it does not appear from the defense's proffered testimony that the defense intends to present testimony as to the accused's having partial mental responsibility for the alleged crimes; therefore these witnesses are not relevant to the charges, including mitigation or extenuation on the merits. The United States responses are based solely on defense's proffered testimony. The United States does not argue with the defense that a diminished capacity amounting to a partial mental responsibility defense could be relevant as mitigation and extenuation.

4. The defense's witnesses who they proffer will testify about alleged Articles 13 and 37 violations are not relevant. Our analysis under #1 above applies as well. Additionally, defense's proffered Articles 13 and 37

violations are matters reserved for the convening authority prior to referral and ultimately a military judge at a court-martial, if this case is referred. The substance of these matters and the fact they allegedly occurred after the commission of the alleged offenses make these witnesses not relevant to the accused's alleged misconduct, thus outside the scope of your investigation.

5. The defense misrepresents the government's position in Footnote 1. The United States did not state in its response that it would not entertain travel for defense witnesses based on their production being "too costly and troublesome." The United States will entertain the defense's request for witnesses that are not relevant or cumulative and based on your determination of availability and method of production, will produce the witnesses. Additionally, the United States intends to request some of its witnesses be called telephonically, rather than in person, but cannot make that request until you make a determination on which witnesses you will call as the investigating officer. As of today and absent the government's request to have the senior ranking government officials declared not reasonably available, the United States has not objected to the personal appearance of any witnesses, both the government's or defense's. The United States has objected to you considering certain witnesses based on relevance and/or cumulative production. However, the United States does intend to make future requests to have some witnesses testify telephonically to minimize costs, depending on which witnesses you ultimately order to be produced and are reasonably available.

6. The United States objects to your consideration of Article 131, Perjury, as a reference in determining whether a statement is properly sworn. Article 131 is a punitive article intended to criminalize sworn statements by Servicemembers during a judicial proceeding. The original classification authority (OCA) reviews are simply sworn statements made "under penalty of perjury" IAW 28 U.S.C. 1746. Rather than Article 131, the United States recommends you consider Article 134, False Swearing, and specifically the portion under the explanation which states, "[i]t does not include such statements made in a judicial proceeding or course of justice, as these are under Article 131, perjury...." See MCM, part IV, paragraph 79c(1). Under the defense's proposed analysis, the only sworn statements that you could consider during this investigation, are previously sworn statements given under oath at an Article 32 investigation or court-martial.

Additionally, I added CPT Hunter Whyte to our emails. He is another government counsel.

Thank you.

v/r
CPT Fein

From: coombs@armycourt martialdefense.com
Sent: Thursday, December 8, 2011 4:20 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
 <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <Jeffrey.Whyte@jfhqncr.northcom.mil>; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA <Daniel.Waybright@jfhqncr.northcom.mil>; Matthew kemkes <matthew.kemkes@us.army.mil>; Paul Bouchard <bouchardp@yahoo.com>; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Holzer, Mark LTC MIL USA OTJAG <mark.holzer@us.army.mil>; Melissa Santiago <melissa.s.santiago@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: RE: Defense Request to Compel Production of Witnesses

LTC Almanza,

Just a quick response to correct a couple of statements by government counsel. The government's position on the relevance of the requested witness (both unit and mental health witnesses) "as only being relevant during sentencing" is erroneous. If needed, the defense will file a sealed *ex-parte* motion to explain its theory of relevance on the merits.

A declaration under 28 U.S.C. Section 1746 is an "Unsworn Statement." As such, unlike sworn statements under 2823, these statements are not admissible over defense objection unless signed during the Article 32 hearing. A plain reading of 28 U.S.C Section 1746 and R.C.M. 405(h)(1)(A) undercuts the government's position. The analysis to Article 131 also reaffirms the defense's position.

Best,
 David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
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From: Almanza, Paul <Paul.Almanza@usdoj.gov>
Sent: Friday, December 9, 2011 9:25 AM
To: coombs@armycourtmartrialdefense.com
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Melissa Santiago <melissa.s.santiago@us.army.mil>
Subject: RE: Administrative Issues
Attach: almanza_2-1_resume_1.pdf

Mr. Coombs –

1. Your request is reasonable. I intend to grant it subject to the limitations of my authority as IO. While in the courtroom, PFC BM will not be in restraints and may have paper and pen to take notes, subject of course to appropriate security procedures. I will request that PFC BM be removed from any restraints prior to being taken to the courtroom.
2. Thank you.
3. Re voir dire, attached are my most recent DA Form 2-1 (basically a reserve version of the ORB) and my most recent civilian resume. I intend to prepare a script and circulate it to the parties in advance of the hearing for your review.

LTC Almanza

From: coombs@armycourtmartrialdefense.com [mailto:coombs@armycourtmartrialdefense.com]
Sent: Thursday, December 08, 2011 10:01 AM
To: Almanza, Paul
Cc: Matthew kemkes; paul.r.bouchard.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Ashden Fein; Melissa Santiago
Subject: Administrative Issues

LTC Almanza,

The defense would like to raise a couple of administrative issues:

- 1) The defense requests that all restraints be removed from PFC BM prior to him being taken to the courtroom. The defense also requests that he be permitted to have paper and a pen to take notes;
- 2) I will submit a civilian defense counsel notice of appearance on the 16th. The notice will provide you with my general information and qualifications for the record;
- 3) The defense intends to conduct a brief voir dire of you. Looking at the Article 32 script, it makes the most sense to do that after you ask PFC BM whether he has any questions concerning his right to present anything that he may desire in defense, mitigation, or extenuation.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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From: coombs@armycourtmartrialdefense.com
Sent: Friday, December 9, 2011 9:34 AM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Fein, Ashden CPT USA
JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Melissa Santiago
<melissa.s.santiago@us.army.mil>
Subject: RE: Administrative Issues

LTC Almanza,

Thank you for the additional information.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: coombs@armycourtmarialdefense.com
Sent: Friday, December 9, 2011 12:05 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Ford, Arthur D. WO1
USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>
Subject: RE: US v. PFC BM (Discovery and Other Matters)

Ashden,

1) I know you said that the government would return the forensic cube NLT 12 December, but is there any reason why you cannot return it to us today? Our forensic experts are planning to begin work on Sunday. Additionally, I wanted CW2 Santiago to take the cube to CPT Bouchard today. Please advise me if it is a problem to bring the cube back to CW2 Santiago today and why.

2) With regards to the video "thou aren't held responsible only for thyself" do you have a translation for this video?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, December 09, 2011 1:48 PM
To: Almanza, Paul
Cc: coombs@armycourtmarialdefense.com; Kemkes, Matthew J MIL USA; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Holzer, Mark LTC MIL USA OTJAG
Subject: US v. PFC BM (Admin)

Sir,

Good afternoon. The United States recommends the following two administrative measures:

1. At 1300, on Thursday 15 Dec 11, you and your security officer meet the prosecution and defense at the Fort Meade courtroom to conduct an administrative walk-through of the site and a full-dress rehearsal of (1) closing the hearing; (2) opening the hearing; and (3) controlling any disturbances. The United States is developing proposed "Battle Drills" for each of these processes and intends to sit down with the defense prior to 15 Dec 11 and work out the details. Our intent is that the prosecution and defense present the joint proposal of "Battle Drills" and we rehearse them when you come up for your admin walk-through.

2. For planning the proper security, press, and administrative coordination, the United States recommends that we go on the record each day starting at 0900. We recognize that the time could change based on a multitude of factors, but having a starting point will allow for battle rhythm development for each of the functional areas.

3. By COB today, the United States will provide you the POC at MDW for your arrival on Monday. SFC Davis, Fort Meade, OSJA is your dedicated paralegal for this investigation. If he is not available on Monday at Fort McNair, then the Military Justice Division will provide you a temporary assistant.

v/r

CPT Fein

From: coombs@armycourt martialdefense.com
Sent: Friday, December 9, 2011 1:52 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA <Jeffrey.Whyte@jfhqncr.northcom.mil>; Holzer, Mark LTC MIL USA OTJAG <mark.holzer@us.army.mil>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Subject: RE: US v. PFC BM (Admin)

LTC Almanza,

The defense has no issues with the government's requests.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: [REDACTED]@ic.fbi.gov>
Sent: Friday, December 9, 2011 3:05 PM
To: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; [REDACTED]@ic.fbi.gov>
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA <Arthur.Ford@jfhqncr.northcom.mil>; [REDACTED]@ic.fbi.gov>
Subject: RE: FBI Case File

Ashden -

I discussed this issue with those parties with equities [REDACTED]. But we would like to work with you to come up with a plan to get through the material and meet your discovery obligations. To that end, would it be possible to meet sometime soon to discuss? I understand you'll be quite busy preparing for the Art 32, so we're here at your convenience.

[REDACTED]

Thanks,
[REDACTED]

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, December 09, 2011 3:09 PM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. WO1 USA JFHQ-NCR/MDW SJA
Subject: RE: FBI Case File

[REDACTED]

Thanks. We will likely be submitting a formal request next week and work through the semantics and way forward beforehand. We are "occupying" Fort Meade on Monday and will be up there all week and through the Article 32. I will call early next week for us to figure out the next step!

Thank you again.

Ashden

From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, December 09, 2011 5:01 PM
To: 'coombs@armycourt martialdefense.com'
Cc: 'Kemkes, Matthew J MIL USA'; 'paul.r.bouchard.mil@mail.mil'; 'Tooman, Joshua J CPT MIL US USA TRADOC'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Parra, Jairo A. WO1 USA JFHQ-NCR/MDW SJA
Subject: US v. PFC BM (Logistics)
Attachments: Directions from Baltimore.pdf; Directions from Dulles.pdf; Directions from Reagan.pdf

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David,

Below are the responses you asked for-

- Do you have a map and driving directions that you can provide to the defense?

Answer: Attached are the directions to the CR from all airports in the NCR.

- Can you provide a general layout of the compound that has been created? Also, I would like to have a general tour on Wednesday of next week to get an overview of the area and courtroom.

Answer: If you want to discuss the layout of the area and courtroom, we can discuss today, over the weekend, or next week. For security purposes, we cannot send out the schematics. Additionally, when you arrive next week, it will be VERY evident what structures are in place (multiple trailers, fencing, and IT).

- Can you describe the defense trailer(s)?

- Are there separate offices in the trailer or is it just one big space?
- Is there a bathroom?
- Is there a phone?
- Do we have a printer/paper?
- Is there internet or a wireless connection?
- Do we have multiple keys to the trailer so that we can leave items

overnight or during the day?

- Will the defense be the only ones with keys to the trailer(s).

Answer: The trailers are 56' x 12' divided in three different areas. In the middle area there is big open space where 4 work stations will be set-up. In the front of the trailer there will be a small conference room table set-up. The third room is empty. There is a bathroom, but it is inoperable. Additionally there will be a latrine trailer (similar to deployments) for the prosecution and defense.

The defense and prosecution trailers will have four phone lines installed. Your phone numbers are: 301-677-3974; 301-677-3975; 301-677-3978; 301-677-3979. All numbers are unpublished please share them with your team and at your own discretion.

Printers and printing supplies will be provided by the government.

The trailers will be wired with 5 NIPR computer drops, for the TDS computers and for TDS personnel use.

All trailers have keys and are able to be locked at anytime. The keys to your trailers will be issued upon your arrival to Fort Meade. Only the Defense Team will have those set of keys.

- Will there be a reserved area in the courtroom for defenses team members and BM family members? How many seats?

Answer: The CR has two defense offices. The proceedings will be broadcast to the prosecution and defense trailers for the extended team members to participate. In the CR, we are reserving the first pew (8 seats) for the defense with placards, based on our previous discussions.

- How do we ensure that BM family members get on post without any issues?

Answer: As long as the family members follow the guidance provided by Fort Meade they will not have an issue coming onto the installation. All they need is an ID and be willing to have their vehicles searched at the gate for normal security checks.

- How do we ensure that BM family members get into the courtroom without any issues?

Answer: In order to have access to the secure area (trailers and courtroom), a person must have a badge, which WO1 Parra will issue. A "STAFF" badge will be issued to all members of the prosecution and defense teams, along with other USG staff members (IO, CSO, security, etc.). "PAO" and "MEDIA" badges will be issued by PAO. WO1 Parra will issue "VISITOR" badges on a daily basis. Except for command representatives and USG officials, all "VISITORS" will be required to have an official escort with a "STAFF" badge at all times. Please provide WO1 Parra a list of those you expect on to visit and he will issue them an accountable badge for that day. For all "VISITOR" badges, there will be a requirement to surrender a government issued ID for the badge.

- During breaks, can BM family members visit with BM? If so, what are the requirements? If not, why not?

Answer: During breaks BM's family can visit with BM provided the escort is present at all times. Only conversations that are determined to be privileged will not require an escort to be present. The monitoring order is still in place.

- Where do nonparticipants go during any closed hearing? How will they be able to know when the hearing is no longer closed?

Answer: Spectators and the media will be held at the holding trailers outside of the CR (other trailers) and will be allowed back in the courtroom by site security at the appropriate time. We will work out the procedures, as I mentioned in the previous email to the IO.

- After each day, the defense would likely want to meet with BM. Are there any time restrictions that we need to know about regarding when he needs to be taken back to his holding cell?

Answer: No issues with BM returning at a particular time to the confinement

facility. However, the escorts need to inform the facility when BM intends to return therefore, some coordination must take place.

- Can BM be brought out on Thursday of next week to the defense area? If not, why?

Answer: Yes.

V/r
Ashden

From: Almanza, Paul <Paul.Almanza@usdoj.gov>
Sent: Friday, December 9, 2011 5:19 PM
To: coombs@armycourt martialdefense.com
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
 Tooman, Joshua J CPT MIL US USA TRADOC <joshua.j.tooman.mil@mail.mil>;
 Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
 <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
 NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Whyte, Jeffrey H. CPT
 USA JFHQ-NCR/MDW SJA <Jeffrey.Whyte@jfhqncr.northcom.mil>; Holzer, Mark
 LTC MIL USA OTJAG <mark.holzer@us.army.mil>; Fein, Ashden CPT USA JFHQ-
 NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Prather, Jay R Mr CIV USA
 OSA <jay.r.prather@us.army.mil>
Subject: RE: US v. PFC BM (Admin)

Thank you, Counsel. These recommended administrative measures are approved. I added Mr. Prather, my security officer, as a cc.

LTC Almanza

From: coombs@armycourt martialdefense.com [mailto:coombs@armycourt martialdefense.com]
Sent: Friday, December 09, 2011 1:52 PM
To: Almanza, Paul
Cc: Kemkes, Matthew J MIL USA; paul.r.bouchard.mil@mail.mil; Tooman, Joshua J CPT MIL US USA TRADOC; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Holzer, Mark LTC MIL USA OTJAG; Ashden Fein
Subject: RE: US v. PFC BM (Admin)

LTC Almanza,

The defense has no issues with the government's requests.

Best,
 David

David E. Coombs, Esq.
 Law Office of David E. Coombs
 11 South Angell Street, #317
 Providence, RI 02906
 Toll Free: 1-800-588-4156
 Local: (508) 689-4616
 Fax: (508) 689-9282
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| ----- Original Message -----

Subject: US v. PFC BM (Admin)
 From: "Fein, Ashden CPT USA JFHQ-NCR/MDW SJA"
 <Ashden.Fein@jfhqncr.northcom.mil>
 Date: Fri, December 09, 2011 1:48 pm
 To: "Almanza, Paul" <Paul.Almanza@usdoj.gov>
 Cc: <coombs@armycourt martialdefense.com>, "Kemkes, Matthew J MIL USA"
 <matthew.kemkes@us.army.mil>, <paul.r.bouchard.mil@mail.mil>, "Tooman,
 Joshua J CPT MIL US USA TRADOC" <joshua.j.tooman.mil@mail.mil>, "Morrow
 III, JoDean, CPT USA JFHQ-NCR/MDW SJA"
 <JoDean.Morrow@jfhqncr.northcom.mil>, "Overgaard, Angel M. CPT USA
 JFHQ-NCR/MDW SJA" <Angel.Overgaard@jfhqncr.northcom.mil>, "Whyte,
 Jeffrey H. CPT USA JFHQ-NCR/MDW SJA"
 <Jeffrey.Whyte@jfhqncr.northcom.mil>, "Holzer, Mark LTC MIL USA OTJAG"
 <mark.holzer@us.army.mil>

Sir,

Good afternoon. The United States recommends the following two administrative measures:

1. At 1300, on Thursday 15 Dec 11, you and your security officer meet the prosecution and defense at the Fort Meade courtroom to conduct an administrative walk-through of the site and a full-dress rehearsal of (1) closing the hearing; (2) opening the hearing; and (3) controlling any disturbances. The United States is developing proposed "Battle Drills" for each of these processes and intends to sit down with the defense prior to 15 Dec 11 and work out the details. Our intent is that the prosecution and defense present the joint proposal of "Battle Drills" and we rehearse them when you come up for your admin walk-through.
2. For planning the proper security, press, and administrative coordination, the United States recommends that we go on the record each day starting at 0900. We recognize that the time could change based on a multitude of factors, but having a starting point will allow for battle rhythm development for each of the functional areas.
3. By COB today, the United States will provide you the POC at MDW for your arrival on Monday. SFC Davis, Fort Meade, OSJA is your dedicated paralegal for this investigation. If he is not available on Monday at Fort McNair, then the Military Justice Division will provide you a temporary assistant.

v/r
 CPT Fein

From: coombs@armycourtartialdefense.com
Sent: Sunday, December 11, 2011 6:14 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
<JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-
NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; Fein, Ashden CPT USA
JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>; Melissa Santiago
<melissa.s.santiago@us.army.mil>
Subject: Telephonic 802

LTC Almanza,

I was wondering if we could have a quick 802 on Monday to discuss some of the remaining issues? I am open just about anytime after 1030.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Fein, Ashden CPT USA JFHQ-NCR/MDW SJA
Sent: Sunday, December 11, 2011 6:15 PM
To: coombs@armycourtartialdefense.com; Almanza, Paul
Cc: Matthew kemkes; paul.r.bouchard.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Melissa Santiago
Subject: RE: Telephonic 802

Sir,

The government has no issue, but requests the call after 1500. We will be moving our office in the morning in order to prepare for the Article 32.

Thank you.

v/r
CPT Fein

From: coombs@armycourtartialdefense.com
Sent: Sunday, December 11, 2011 11:17 PM
To: Almanza, Paul <Paul.Almanza@usdoj.gov>; Fein, Ashden CPT USA JFHQ-NCR/MDW SJA <Ashden.Fein@jfhqncr.northcom.mil>
Cc: Matthew kemkes <matthew.kemkes@us.army.mil>; paul.r.bouchard.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA <JoDean.Morrow@jfhqncr.northcom.mil>; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA <Angel.Overgaard@jfhqncr.northcom.mil>; melissa.s.santiago@us.army.mil
Subject: RE: Telephonic 802

LTC Almanza,

1500 will work with the me. I would like to discuss the outstanding issues regarding which witnesses will be produced, the production of evidence motion, and the defense's closure motion.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 8:38 AM
To: [REDACTED]
Cc:
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can you please send me a SIPRNET or JWICS email address for your agency, so we can discuss the document you provided our office a few weeks ago? We are in the middle of litigation right now, so timing is crucial.

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 8:43 AM
To: [REDACTED]
Cc: [REDACTED] OGC
Subject: RE: Delivery of Documents (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Two weeks ago, we requested a SIPRNET or JWICS email address from your agency, so that we can discuss the document you provided our office in relation to the above case. You said you requested that [REDACTED] (SSO) let us know how to proceed. I'm writing you because we have yet to hear from [REDACTED]. Do you have a phone number for [REDACTED]?

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 8:44 AM
To: [REDACTED]@ondcp.eop.gov
Subject: RE: Email Address Request (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can you please send me a SIPRNET or JWICS email address for your agency, so we can discuss the document you provided our office a few weeks ago? We are in the middle of litigation right now, so timing is crucial.

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 8:46 AM
To: [REDACTED]
Subject: RE: documents (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can you please send me a SIPRNET or JWICS email address for your agency, so we can discuss the document you provided our office a few weeks ago? Two weeks ago, you told us that you were meeting with [REDACTED] from OGC to discuss this matter, but we have yet to hear a response. We are in the middle of litigation right now, so timing is crucial.

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 8:48 AM
To: [REDACTED]
Subject: RE: US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can you please send me a SIPRNET or JWICS email address for your agency, so we can discuss the document you provided our office a few weeks ago? We are in the middle of litigation right now, so timing is crucial.

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 8:58 AM
To: [REDACTED]@gas.gov
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ma'am,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can you please send me a SIPRNET or JWICS email address for your agency, so we can discuss the document you provided our office a few weeks ago? We are in the middle of litigation right now, so timing is crucial.

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 9:01 AM
To: [REDACTED]@gsa.gov
Cc: [REDACTED] (LP)
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can you please send me a SIPRNET or JWICS email address for your agency, so we can discuss the document you provided our office a few weeks ago? We are in the middle of litigation right now, so timing is crucial.

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 9:09 AM
To: [REDACTED]
Cc:
Subject: US v. PFC Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can you please send me a SIPRNET or JWICS email address for your agency, so we can discuss the document you provided our office a few weeks ago? We are in the middle of litigation right now, so timing is crucial.

We appreciate your continued support. Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 9:21 AM
To: [REDACTED]@sec.gov
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. Can I give you a call this morning to discuss the below email? I just want to make sure we're on the same page.

Thank you.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

-----Original Message-----

From: [REDACTED] [mailto:[REDACTED]@SEC.GOV]
Sent: Tuesday, February 28, 2012 3:19 PM
To: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]; [REDACTED]
Subject: FW: Request to Review NCIX Response (UNCLASSIFIED)

Dear Sergeant Bradley:

The email below was provided to me by [REDACTED], Associate General Counsel for Litigation and Administrative Practice here at the United States Securities and Exchange Commission. He asked me to review your request and respond accordingly.

As I mentioned to you today by phone, in response to your request for document copies, this agency has no responsive documents.

Feel free to contact me if you have any need for clarification or further information.

Sincerely,

[REDACTED]
Office of General Counsel
Securities & Exchange Commission
100 F Street, NE - Mail Stop 9612
Washington, DC 20549
Tel: [REDACTED]
Fax: [REDACTED]
[REDACTED]@sec.gov <mailto:[REDACTED]@sec.gov>

From: [REDACTED]
Sent: Tuesday, February 28, 2012 3:06 PM
To: [REDACTED]
Subject: FW: Request to Review NCIX Response (UNCLASSIFIED)

From: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
[mailto:Princeton.Bradley@jfhqncr.northcom.mil]
Sent: Friday, February 24, 2012 2:21 PM
To: [REDACTED]
Subject: Request to Review NCIX Response (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

Good morning/afternoon. I am a paralegal for the prosecution team in the Court-Martial of Private First Class Bradley Manning in connection with "W#kileaks." The purpose of this email is two-fold: first to affirm that you are a member of the Office of the General Counsel, and second, to request a copy of all documents that your organization provided to NCIX approximately one year ago. Although we have been coordinating with NCIX/ODNI for the past year, just two weeks ago they determined that we cannot review copies of your organization's documents in their possession, and we must directly go to your organization to coordinate a review.

We are requesting this information to determine if there is any information that may be discoverable and may require production by the government. None of the information will leave our office, unless your organization has approved its release, and it will remain classified at all times.

We would like to review the documents from your organization as soon as possible. This short suspense is necessary as the accused was arraigned this week, and to allow for enough time to coordinate with your organization, if information is discoverable. If the information is classified, please feel free to use the lead prosecutor's SIPRNET and JWICS email addresses below to transmit your documents. If you would like to speak with me, please call at 202-685-1975 and if you would like to speak with our lead prosecutor, please call Captain Ashden Fein at 202-685-4572.

SIPRNET: ashden.fein@ifhqncr.northcom.smil.mil <<mailto:ashden.fein@ifhqncr.northcom.smil.mil>>

JWICS: ashden.fein@dodis.ic.gov

Thank you.

Very Respectfully,

Princeton Bradley

Sergeant, U.S. Army

Paralegal Non-Commissioned Officer

Military Justice, OSJA

Fort McNair, Bldg 32

202-685-1975

princeton.bradley@ifhqncr.northcom.mil

Classification: UNCLASSIFIED

Caveats: FOUO

Classification: UNCLASSIFIED

Caveats: FOUO

Classification: UNCLASSIFIED

Caveats: FOUO

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 2:16 PM
To: [REDACTED] (USAVAE); [REDACTED] (USAVAE); [REDACTED] (USAVAE)
Cc: [REDACTED] (NSD); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: FBI File
Importance: High

All,

Good afternoon. Now that we are passed the last motions hearing, are you available to meet to finish going over the FBI case file? We probably need 3 hours together and we will be finished with the first round.

[REDACTED]

We are available ANYTIME to meet. Please let us know. Thank you!

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 3:02 PM
To: David Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Update

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

David,

Please see below for an update.

1. Charged Documents. We have prepared copies of the charged documents and are waiting to hear back from Corrie at the NWC prior to sending. Once we receive the green light for shipment, we will overnight-FEDEX the documents.
2. (U//LES) JRCF. Your client is moving back to the JRCF today. What day and time would you like him at the FGGM TDS office before the next hearing?
3. Forensic Images. We are working to receive copies of the forensic images and files so that the security experts can review the material. Once that is complete, then we will submit the request(s) for disclosure of the material.
4. Contracting. As Mr. Parra explained in his email, your experts can continue working up to the limit explained in the spreadsheet in my previous email. He is working to have contracting finalize the modification for the recent approval over \$35,000.
5. Katz Report. CID executed an AIR (BATES: 00410690 - 00410692) and FBI executed a document (BATES: 00417785-00417788).
6. TDS Support or Requirements. Based on the Summer turnover, are there any personnel, resourcing, or support the defense needs from the prosecution/command, including an attorney(s), legal administrator(s), or paralegal(s)? If so, please provide us a request NLT 15 May 12, so we can start working with the command, TDS, PPTO, or whomever else is required.
7. Viewing of Assessments & Other Documents. We are working to finalize any approvals we must have for full or limited disclosure of material pursuant to the Court's order. In the case that information will be made available for inspection, you mentioned in chambers that you would prefer to come earlier or stay later in the DC area around the next hearing to review the documents. Is this still your preference, rather than flying down on or after the 18th?

Thank you.

v/r
Ashden

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Wednesday, May 02, 2012 5:18 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; ashden.fein@us.army.mil
Cc: Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonEiten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

Ashden,

1. Thank you. I believe that as long as the information arrives before Friday the 4th, that will work for Corrie.
2. I would like to have PFC BM brought to the Fort Meade TDS office at 1330 on 5 Jun. He can be returned to the JRCF any time after 8 Jun.
3. Thank you.
4. Please keep me posted on the approval of the new contact. Once this is approved, I am confident that our experts' expenses will not go over the approved amount.
5. Thank you.
6. You should have the IMC request for MAJ Hurley. Can you tell me when this will be taken to the CA? Also, the Defense will need a replacement for CW2 Santiago. She is currently due to start out-processing on 25 June. I would like to have a replacement for her by the first part of June so that we could have some overlap.
7. This will depend on what is being made available and the quantity. Depending upon the nature of what is being made available, I may want to come down on the 18th or the following week. When do you think you could tell me generally what will be made available?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: [REDACTED]@ios.doi.gov
Sent: Wednesday, May 02, 2012 7:47 AM
To: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA [REDACTED]
Cc: [REDACTED] Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: RE: US v. Manning (UNCLASSIFIED)

UNCLASSIFIED//FOUO

Good morning Sir,

Our response has been sent via the high side.

Please do not hesitate to contact me if you have any questions.

Best,

[REDACTED]
[REDACTED]
Department of the Interior - OLES
1849 C ST, NW, MS 3409
Washington, DC 20240

(office)

(mobile)

(pager)

[\[REDACTED\]@ios.doi.gov](mailto:[REDACTED]@ios.doi.gov)

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 02, 2012 5:46 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

David,

Apparently our flood gates opened and we are receiving emails. I just received the IMC request and will acknowledge that email afterwards. As for #7, I expect to have better clarity at the end of next week.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 7:00 AM
To: [REDACTED] (USAVAE); [REDACTED] (USAVAE); [REDACTED] (USAVAE); [REDACTED]
Cc: [REDACTED] (NSD) (JMD); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: FBI File

All,

Tuesday works for us. So 10am on Tuesday? Please plan on at least 3 hours. Thanks!

Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 7:01 AM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H.
CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: IRTF Assessment

[REDACTED],

Good morning. When you get in, do you mind calling? One thing we did not discuss on Tuesday was State's review of the IRTF damage assessment for our release to the defense. Thanks.

Ashden

From: Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 8:05 AM
To: [REDACTED]
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: DoS Class Review (UNCLASSIFIED)
Attachments: 111030-Classification Review (DoS)(ManningB_00376903).pdf

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED],

Attached is the DoS Class Review. Thanks!

Artie

V/R,

Arthur Ford

CW2, JA

Legal Administrator

Comm: 202-685-2975

BB: 571-289-9690

Classification: UNCLASSIFIED
Caveats: NONE

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 1:27 PM
To: ts@cyberagentsinc.com; David Coombs; Tooman, Joshua J CPT MIL US USA TRADOC'
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Cyber Agents Invoice for April Review (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Eric,

This invoice is not acceptable and it violates the terms of the contract. You are to be paid by the hour, as stated in your contract, so you **MUST** submit and invoice to the government that accounts for hours worked during specific dates. Additionally, you cannot claim/get reimbursed for travel dates. You and your associate are getting all travel expenses paid and per diem provided for by the US government. I would not approve any payments unless the invoice is by billable hours. If you have any questions please feel free to contact me at your earliest convenience.

David,

Please ensure that all invoices are submitted to you and CPT Tooman for accuracy before they are provided to me for payment. Thank you!

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@jfhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@jfhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

CAUTION: The information contained in this email and any accompanying attachments may contain Freedom of Information Act protected information, including attorney-client or attorney work product privileged information. This information may not be released outside of the Department of Defense without prior authorization from the Office of The Judge Advocate General, Department of the Army. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is prohibited. If you received this email in error, please notify this office immediately by return email (see 5 U.S.C. § 552 and Army Regulations 25-55 and 27-2).

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 2:12 PM
To: [REDACTED]@dol.gov
Subject: RE: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

Can you please update us on the status of your search for the below document? Even if a formal response was not provided to NCIX, we need to discuss this matter. You can reach me at 202-685-4489. Thank you, Sir.

v/r
CPT Whyte

From: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 3:42 PM
To: [REDACTED]
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: USAID (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

Good afternoon, I hope that you have been well. I understand that you spoke with CW2 Ford today regarding your NCIX response and as you can see below, he did pass along your message. However, I do need an email directly from you stating that there were no individual reviews completed by the Department of Labor for our records. Thank you again for all the help that you have provided, it is truly appreciated.

Very Respectfully,
SGT Princeton Bradley
Paralegal Non-Commissioned Officer
Military Justice, OSJA
Fort McNair, Bldg 32
202-685-1975
princeton.bradley@jfhqncr.northcom.mil

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:16 PM
To: [REDACTED]
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (BBG).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:19 PM
To: [REDACTED]@usda.gov
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (DoA).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:20 PM
To: [REDACTED]@nsf.gov
Cc: [REDACTED]@nsf.gov; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT
USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (NSF).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:23 PM
To: [REDACTED]@doc.gov
Cc: [REDACTED]; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT
USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (DoC).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Ma'am,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:25 PM
To: [REDACTED]@hq.doe.gov
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (DoE).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:26 PM
To: [REDACTED]@faa.gov
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (FAA).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:27 PM
To: [REDACTED]@frb.gov
Cc: [REDACTED]@frb.gov; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (FRS).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Ma'am,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:28 PM
To: [REDACTED] (LP)
Cc: [REDACTED] (DP); Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (GSA).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Ma'am,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:30 PM
To: [REDACTED]@usitc.gov
Cc: [REDACTED]@usitc.gov; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (ITC).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:31 PM
To: [REDACTED]@nasa.gov
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (NASA).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:35 PM
To: [REDACTED]@nrc.gov
Cc: [REDACTED]@nrc.gov; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (NRC).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:37 PM
To: [REDACTED]
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (OPM).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:36 PM
To: [REDACTED]
Cc: [REDACTED]; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (ONDCP).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:39 PM
To: [REDACTED]@ssa.gov
Cc: [REDACTED]@ssa.gov; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (SSA).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:40 PM
To: [REDACTED]@dot.gov
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (Trans).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Ma'am,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:41 PM
To: [REDACTED]@treasury.gov
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (Treasury).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 03, 2012 6:44 PM
To: [REDACTED]@dm.usda.gov
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: United States v. PFC Bradley Manning (UNCLASSIFIED)
Attachments: 120503-Request to Produce in Discovery (DoA).pdf

Classification: UNCLASSIFIED
Caveats: NONE

Good afternoon Sir,

Please process the attached request and provide a response thereto by 14 May 2012. As always, please let me know if you should have any questions.

Thank you for your continued support!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: [REDACTED]
Sent: Thursday, May 03, 2012 7:19 PM
To: Hughes, Brian A. LTC USA JFHQ-NCR/MDW SJA
Subject: Manning PSR (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Brian - I have 4 nonclassified discs that were provides as a result for the Manning PSR request.

The discs are from OCIL, OCPA, G-6, and the Office of the Deputy Undersecretary of the Army (DUSA). I anticipate the info provided by the DUSA and G-6 would be the most relevant.

I will be out tomorrow (back in on Monday), but the discs will be available in my office should someone wish to pick them up.

I am ccing [REDACTED] for vis.

v/r
[REDACTED]

[REDACTED]
[REDACTED] Criminal Law Division
Office of The Judge Advocate General
[REDACTED]
BB: [REDACTED]

Classification: UNCLASSIFIED
Caveats: FOUO

From: [REDACTED]@usaid.gov]
Sent: Friday, May 04, 2012 6:54 AM
To: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; [REDACTED]
Subject: RE: USAID (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Red Category

Sgt Bradley,

We are doing well over here. I am in the process of confirming no one else has responded to the task and will respond as soon as I can.

Thanks

[REDACTED]
[REDACTED]
[REDACTED]
US Agency for International Development
SEC/OD Rm.2.6.83T
1300 Pennsylvania Ave NW
Washington D.C 20523
[REDACTED]

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, May 04, 2012 9:36 AM
To: [REDACTED]
Cc:
Subject: RE: US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Gentlemen,

Thank you for providing us with your assessment. We had an opportunity to review the document and would like to discuss our findings with you. Could either one of you please give me a call to discuss? Thank you!

v/r
CPT Whyte
202-685-4489

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, May 04, 2012 3:58 PM
To: David Coombs
Cc: 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update
Attachments: 120504-GCMCA Approval IMC Request.pdf

David,

Attached is the GCMCA's approval for the IMC request. As for CW2 Santiago's planned departure- is the defense requesting a legal administrator to replace her or a paralegal, or both?

Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, May 04, 2012 4:17 PM
To: 'Tooman, Joshua J CPT USARMY (US)'
Cc: David Coombs; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonEllen, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: FW: W91QF7-12-P-0031 P0001 (UNCLASSIFIED)
Attachments: 12-P-0031-P01.doc
Importance: High

Josh,

Attached is the modified contract for your computer forensic experts. This was sent to CyberAgents today with very specific instructions on what the contractor must complete for US Army Contracting. Please see the below email and ensure they comply. Thank you.

v/r
MAJ Fein

From: Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 08, 2012 5:12 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: David Coombs; Santiago, Melissa S CW2 USARMY (US); Hurley, Thomas F MAJ MIL USA OTJAG; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Billing for Computer Forensic experts (UNCLASSIFIED)
Attachments: FW: Billing for Computer Forensic experts (UNCLASSIFIED) (40.6 KB); re: FW: W91QF712P0031\4BTY1\COMBO00001\USVMANNINGAPRILW74N84\Sub... (46.6 KB); Cyber Agents Invoice for April Review (35.3 KB)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

Per our conversation today, I need someone in the defense team to verify and validate the current invoice submitted. I have received three different invoices, all for the same trip in April, that have variances in information for hours of worked performed and different amounts claimed. Given the discrepancies, I do not feel like at ease with the invoice(s) and I must ensure that government funds are properly accounted for and verified by a government representative prior to payment. Please determine why we have discrepancies in hours worked and amounts claimed during the April trip. Remember the contractors are not allowed to claim travel expenses as they are being paid to travel by the US government under the Defense Travel System.

Ultimately, it is the defense team who must validate every hour the contractors are working. Because we have received three different accountings by your experts, please submit a signed memorandum that lays out the exact work your experts performed by day and hour, with the total. From this point forward, their bills will not be paid until they input their information in WAWF and we receive a signed memorandum from a government representative (TDS counsel) which attests to the actual work they performed. If you have any questions please let me know. Thank you!

v/r,

JP

Jairo A. Parra
CW2, JA
Legal Administrator
JFHQ-NCR, MDW
jairo.parra@ifhqncr.northcom.mil
jairo.parra@us.army.mil
jairo.parra@ifhqncr.northcom.smil.mil
(202) 685-1975 - Direct
(571) 249-9697 - Blackberry
(931) 572-7632 - Cell

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including attorney-client or attorney work product privileged information. This information may not be released outside of the Department of Defense without prior authorization from the Office of The Judge Advocate General, Department of the Army. If you are not the intended recipient of this information, any disclosure, copying, distribution, or the taking of any action in reliance on this information is prohibited. If you received this email in error, please notify this office immediately by return email (see 5 U.S.C. § 552 and Army Regulations 25-55 and 27-2).***

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 10, 2012 7:02 AM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Subject: IRTF Assessment

[REDACTED]

Are you available this morning to discuss over the phone an update on our release of the IRTF assessment in classified discovery?

Thanks!

Ashden

From: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 10, 2012 8:21 AM
To: [REDACTED] (SEC/CTIS/CI)
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; [REDACTED] (SEC/CTIS)
Subject: RE: USAID (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

[REDACTED]

Good morning, I hope things are well. I just wanted to ask if you were able to confirm that there were no other responses created by USAID. Thanks again for all your help.

Very Respectfully,
Sergeant Princeton Bradley
Paralegal Non-Commissioned Officer
Military Justice, OSJA
Fort McNair, Bldg 32
202-685-1975
princeton.bradley@jfhqncr.northcom.mil

From: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 10, 2012 8:21 AM
To: [REDACTED]
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; [REDACTED]
Subject: RE: USAID (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED],
Good morning, I hope things are well. I just wanted to ask if you were able to confirm that there were no other responses created by USAID. Thanks again for all your help.

Very Respectfully,
Sergeant Princeton Bradley
Paralegal Non-Commissioned Officer
Military Justice, OSJA
Fort McNair, Bldg 32
202-685-1975
princeton.bradley@jfhqncr.northcom.mil

From: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 10, 2012 8:23 AM
To: [REDACTED]
Cc: [REDACTED]; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: NCIX Documents (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO
[REDACTED]

Good morning, I hope things are going well. I just wanted to follow up with you to see if you had any luck locating the aforementioned documents. If you need any additional information from us, please let me know and I will be happy to oblige. Thank you again!

Very Respectfully,
Sergeant Princeton Bradley
Paralegal Non-Commissioned Officer
Military Justice, OSJA
Fort McNair, Bldg 32
202-685-1975
princeton.bradley@jfhqncr.northcom.mil

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, May 11, 2012 10:30 AM
To: Hughes, Brian A. LTC USA JFHQ-NCR/MDW SJA
Cc: Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: at pentagon

Sir- if you are at the pentagon, can you pick up the package from [REDACTED]? Thanks.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 14, 2012 12:20 PM
To: [REDACTED] (USAVAE); [REDACTED] (USAVAE); [REDACTED] (USAVAE); [REDACTED]
Cc: [REDACTED]@usdoj.gov; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: FBI File

All,

Good afternoon. It appears that we have approximately 30 documents remaining from the entire file. We will know the exact number later today. Are you available later this week to come back for what will hopefully be the last time with the current information? [REDACTED]

[REDACTED]

Thanks!

Ashden

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, May 14, 2012 3:55 PM
To: [REDACTED]@usitc.gov
Cc: [REDACTED]@dni.gov
Subject: US v. PFC Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ma'am,

Per our conversation this afternoon, I am CC-ing a member of NCIX who may be able to provide further assistance relating to your concerns about disclosing the document at issue to the defense in classified discovery.

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Tuesday, May 15, 2012 3:09 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Discovery

MAJ Fein,

Do you have any update on the DoS Touhy request?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtartialdefense.com
www.armycourtartialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 3:14 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonEiten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA
Cc: Tooman, Joshua J CPT USARMY (US); Hurley, Thomas F MAJ USARMY (US); Santiago, Melissa S CW2 USARMY (US)
Subject: RE: Discovery

David,

We asked this morning and they should be getting back to us in the next day or two with an update.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 15, 2012 3:20 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; VonEllen, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery

David,

We received all the damage assessment emails over the past few weeks and if we are producing them in this batch, then we received approval to turn them over in the period between our last production and yesterday. As we continue to receive assessments and their approvals, we will continue to produce them as soon as practicable, until all of them have been produced.

V/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 16, 2012 2:58 PM
To: [REDACTED] (USAVAE); [REDACTED] (USAVAE);
[REDACTED] (USAVAE);
Cc: [REDACTED] (NSD) (JMD); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-
NCR/MDW SJA; VonElten, Alexander S. 1LT USA JFHQ-NCR/MDW SJA; Ford, Arthur D.
CW2 USA JFHQ-NCR/MDW SJA
Subject: SIPR FBI File
Importance: High

All,

Good afternoon. Just a few minutes ago, I sent on SIPR 6 emails with a total of 26 documents. These are the only documents remaining. [REDACTED]

[REDACTED]

Thanks!

V/r
Ashden

From: [REDACTED]@ic.fbi.gov]
Sent: Thursday, May 17, 2012 10:59 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: Re: FBI File

Are you around this afternoon? I've reviewed all the docs you sent and discussed with [REDACTED] so we just wanted to go over that with you.

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, May 18, 2012 3:59 PM
To: [REDACTED]
Subject: chat

Sir- are you still around? If so can we chat? Thanks.

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 8:43 AM
To: [REDACTED]
Cc:
Subject: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Can you please update me on the status of your search for the below documents (should they exist)? We have an upcoming motion hearing and this matter may be an issue.

Thank you!

v/r
CPT Whyte

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 8:45 AM
To: [REDACTED]
Cc:
Subject: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

Can you please update me on the status of your search for the below documents? We have an upcoming motion hearing and this matter may become an issue.

Thank you!

v/r
CPT Whyte

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 9:27 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

Thank you for the update. To clarify, USAID did not provide an individual assessment to NCIX, either by formal declaration or via informal email/telephone. Any USAID "assessment" would be captured in a Department of State assessment, should one exist.

Please confirm that I understand correctly. Thank you very much!

v/r
CPT Whyte

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Monday, May 21, 2012 6:08 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: Grand Jury Discovery

Ashden,

I received two discs from the Government today. One of the discs had Grand Jury testimony. As I looked through the documents, I noticed that it only dealt with three witnesses and was heavily redacted (about 95%). What was the standard used for determining the redactions? Was the information provided intended to be Brady? Can you tell me if the Government intends to produce any additional Grand Jury testimony? If so, when?

Finally, you indicated in your 18 May memorandum that the Government would be delivering to the Defense forensic results and investigative files from the FBI and CIA today. Have you done so?

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282
coombs@armycourtartialdefense.com <<mailto:coombs@armycourtartialdefense.com>>

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 7:06 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Grand Jury Discovery

David,

Good afternoon.

1. Grand Jury testimony. What you have received is all the testimony that is favorable to the accused and material to either guilt or punishment.
2. Delivery of Documents. Ms. Robillard was not in the office until today and will accept delivery tomorrow (details below). This morning, we attempted to deliver the material to CW2 Santiago, but she is out until Thursday.
3. We sent the below discovery through FEDEX (Tracking: 7984 1755 7784) to the NWC.

Disk 1: BATES 00445504 - 00447091: FBI files; BATES: 00447393 - 00447439: Various damage assessments

Disk 2: BATES 00447440 - 00447666: FBI Files

Disk 3: BATES 00447818 - 00447848: Classified damage assessments from various agencies and other documents pursuant to the government's filing on Friday

Disk 4: BATES 00447407 - 00447439: Reproduction of two classified damage assessments with changed redactions, as per your request

In abundance of caution, the prosecution directs your attention to BATES 447623-447624 based on its apparent exculpatory nature; thus, we highlight this information as potential Brady material under RCM 701(a)(6).

The 4 classified disks listed above and the unclassified discovery that we had delivered to your office today are ready to be delivered to Ft Myer. Once CW2 Santiago returns, we will deliver the information.

Please confirm receipt of this email.

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Monday, May 21, 2012 7:13 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Grand Jury Discovery

Ashden,

Thank you. A couple points of clarification:

- 1) It appears that you are saying that the Government will not be producing any additional Grand Jury testimony. Is this correct?
- 2) Have you identified a replacement for CW2 Santiago? If so, when will this person be provided to the defense?

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, May 21, 2012 9:31 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Grand Jury Discovery

David,

1. You are correct. The three transcripts are the only transcripts that we found material that are favorable to the accused and material to either guilt or punishment, thus we are not producing any additional transcripts.

2. CW2 Santiago's replacement. I know that was being worked by TDS, but I will try to get an update tomorrow.

Have a good night.

v/r
Ashden

From: David Coombs [coombs@armycourtmarshaldefense.com]
Sent: Tuesday, May 22, 2012 10:39 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: DOS Damage Assessment

Ashden,

In your notice memorandum you state that "the prosecution requests the defense provide four duty days notice before each time they would like to inspect the document, so that the proper facility and government security expert may be made available." The Defense intends to object to four duty days as being reasonable notice. However, since we will not be able to address this issue before the next motions hearing, the Defense requests access to the DOS document at 0930 on 5 June 2012.

Under MRE 505(g)(1), the Government must request the military judge to set the conditions of the protective order. MRE 505(g)(1) states that a protective order can "require controlled access to the material during normal business hours and at other times upon reasonable notice." In other words, the Defense should be able to gain access to the DOS document anytime during normal business hours and during non-business hours upon reasonable notice. Four days advanced notice is unreasonable. Presumably, you have a copy of the document at your office. If this is the case, why would it be problematic to have access in one of the Government's offices?

Finally, can you elaborate on the "government security expert" requirement that you propose? Why do you feel that this is necessary? What do you believe this person will do? Wouldn't it be easier to just give the document to the Court Security Officer and allow the Defense to coordinate with him whenever we want to have access? Mr. Prather could then "watch" us so that the Government has no concerns. How does this sound to you?

Best,

David

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From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 22, 2012 1:40 PM
To: [REDACTED]
Subject: RE: United States v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I have not heard from your department. Any update on our request?

Thanks, Sir!

v/r
Hunter

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 22, 2012 1:40 PM
To: [REDACTED] (LP)
Subject: RE: US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ma'am,

Any update on our request? Thank you!

v/r
Hunter

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 22, 2012 6:55 PM
To: David Coombs
Cc: Hurlley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Santiago, Melissa S CW2 USARMY (US)
Subject: RE: DOS Damage Assessment

David,

1. We will have the document ready at 0930 on 5 Jun 12, with a location TBD.
2. We need enough notice (4 days) so that we can schedule our government security expert to come to our office, sign for the copy of the document, and deliver the document to your security expert at the government facility which will be determined and reserved. The intent is for our security expert to escort the document to your team meeting, sign the document over to your experts, and then wait at the location until the defense counsel are finished reviewing the document, for however long the review takes. The government security expert will NOT be part of the defense counsel's session to ensure privacy and confidentiality. Once the review is complete, then your security expert will sign it back over to the government security expert, and the government security expert will return the document to the prosecution. Each security expert is responsible for maintaining 100% eyes-on positive control of the document and any notes produced from the document. We will endeavor to execute as soon as possible when counsel notifies us; however, we believe four days is reasonable to ensure the proper government facility, our security expert, and defense's security expert are all available. This should be a very simple process; we just need notice of when to make it happen. Additionally, we recognize that the various defense counsel will likely want to view the document on more than one occasion. We can accommodate any reasonable request. There is no need to have the Court security officer involved.

All defense counsel- please let us know when you want to view the document and include confirmation that at least one defense security expert will be present, and we will plan accordingly and have the document and location ready. Pursuant to the protective order, the location can be a TDS office, so long as its approved to have "secret" information within it, and there are no other personnel present other than the defense counsel and defense security expert(s).

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Tuesday, May 22, 2012 7:10 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: DOS Damage Assessment

Ashden,

I do not believe the process that you recommend should be required. The defense will raise this as an issue in our upcoming motion concerning the substitutions for the other damage assessments.

Given the fact that we will all be at Fort Meade on the 5th, why don't we just allow Mr. Prather to give us access to the Court's copy? I have no objection to Mr. Prather sitting in on our review of the document. This would eliminate the need for both the Defense and Government security experts to be involved and present.

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 23, 2012 6:51 AM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'
Subject: RE: DOS Damage Assessment

David,

The Department of State set the condition of requiring at least one defense security expert to be present when the document is made available for inspection by defense counsel. Please review the Court's order, dated 22 March 2012, for the duties of the court security officer and detailed security experts.

Please notify us when any defense counsel would like to inspect the document, and we will have it ready. The document has been available for inspection since Monday, 21 May 2012 and will continue to be available throughout the court-martial.

Thank you.

v/r
Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Wednesday, May 23, 2012 8:10 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: RE: DOS Damage Assessment

Ashden,

The DOS does not set conditions for access. The military judge does once you request for certain conditions under M.R.E. 505(g)(1). Again, we will raise this issue as part of the substitutions motion that we file after you provide the required non-ex parte filing.

The Defense would like to have access at Fort Meade on 5 April. I am currently coordinating with our experts to ensure that one can be present. If that is not possible, then we would request access after our Article 39(a) session ends on 6 April. Please arrange to have a copy of the DOS damage assessment at the Court.

Best,
David

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From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 24, 2012 9:09 AM
To: [REDACTED]
Subject: RE: Request to Review NCIX Responsive Documents (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am one of the prosecutors in the case of US v. PFC Bradley Manning. I know you have been coordinating with one of our paralegals, SGT Bradley, but I want to confirm whether your agency provided any communication (e.g., memorandum, email, telephone call) to NCIX as provided below. If not, can you please memorialize that in an email? If yes, can you please provide further guidance?

Thank you very much!

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 24, 2012 9:11 AM
To: [REDACTED]
Subject: RE: Request to Review NCIX Response Documents (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am one of the prosecutors in the case of US v. PFC Bradley Manning. I know you have been coordinating with one of our paralegals, SGT Bradley, but I want to confirm whether your agency provided any communication (e.g., memorandum, email, telephone call) to NCIX as provided below. We are not requesting that you provide us with the documents your agency may have reviewed; instead, we are asking whether you provided a response to NCIX's inquiry below. If not, can you please memorialize that in an email? If yes, can you please provide further guidance?

Thank you very much!

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: [REDACTED]@exim.gov]
Sent: Thursday, May 24, 2012 9:19 AM
To: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: Re: RE: Request to Review NCIX Response Documents (UNCLASSIFIED)

Exim did not reply to any of the information provided. We reviewed it and found nothing that compromised the Export-Import Bank.

Thank you very much.

[REDACTED]

[REDACTED]
Export-Import Bank of the United States
811 Vermont Ave., NW
Washington, DC 20571

[REDACTED]

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 24, 2012 9:34 AM
To: [REDACTED]
Subject: RE: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

I just wanted to check on the status of our request. Any progress? Any timeframe of when we can expect DHS to provide its response? I know you have a lot going on - thank you for assisting us with this matter!

Thanks!

v/r
Hunter

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 24, 2012 9:36 AM
To: [REDACTED]@usitc.gov
Subject: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ma'am,

I just want to check on the status of our request. Any updates? Any timeframe for when we can expect ITC to provide a response?

I know you have a lot going on - we really appreciate your help with this!

Thanks!

v/r

J. Hunter Whyte

CPT, JA

Trial Counsel

United States Army Military District of Washington

Classification: UNCLASSIFIED
Caveats: NONE

From: David Coombs [coombs@armycourtmarshaldefense.com]
Sent: Thursday, May 24, 2012 10:25 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Defense Discovery Materials

Ashden,

The proposed timeline unfortunately will not work for the Defense. At this point, our reciprocal discovery is largely dependent upon:

- 1) Timely access to the Defense requested compelled discovery;
- 2) Timely access to the various damage assessments;
- 3) Receipt of requested Brady material;
- 4) Access/review of the hard drives promised by the Government; and
- 5) Interview of Mr. Patrick Kennedy

Without the above information, the Defense cannot make a final decision on what it intends to introduce as evidence in our case in chief. See R.C.M. 701(b)(3) and (b)(4). Likewise, access to the above requested information is required for the Defense to make a final decision regarding any written material that will be presented during our presentencing proceeding (if necessary). See R.C.M. 701(b)(1)(B)(ii).

Although the Defense is unable to provide access to the requested information at this time, it is committed to providing reciprocal discovery so that the Government may adequately prepare for trial. If the Government believes that the Defense is failing in this regard, please let me know and I will attempt to elaborate further on our efforts to go above and beyond the requirements under the rules.

Best regards,

David

David E. Coombs, Esq.

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, May 29, 2012 5:10 PM
To: [REDACTED] USA DCS G-2
Cc: [REDACTED] US USA DCS G-2; [REDACTED] (US); Parra, Jairo A.
Subject: New Clearance
Attachments: 120529-Request DoD Personnel Clearance and Access.pdf

[REDACTED],

Could you please expedite this request for TS clearance and interim access to SCI. We checked JPAS and it appears MAJ Hurley already has a TS clearance, so it could just be a read-on. The defense added this attorney and deleted two others (annotated in the memo). Thank you!

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 7:08 AM
To: [REDACTED] (US); [REDACTED] USA DCS G-2'
Cc: [REDACTED] US USA DCS G-2'; [REDACTED] (US); Parra, Jairo A
Subject: RE: New Clearance
Attachments: 120529-Request DoD Personnel Clearance and Access.pdf

[REDACTED],

I realized this morning that I should have sent this to you as well. Since MAJ Hurley already has a clearance, he just needs to be added to the indoc list. Additionally, we removed two individuals that will need to be read-off, assuming HQ DA read them on. Once you give me the green light for Hurley, I will send him an email to have him get over there before next Wednesday.

Thank you!

v/r
Ashden

From: [REDACTED] (US) [REDACTED]@mail.mil]
Sent: Wednesday, May 30, 2012 7:39 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; [REDACTED] (US)
Cc: [REDACTED] (US); [REDACTED] (US); Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: New Clearance

MAJ FEIN,

The SSN for MAJ HURLEY is not coming up in JPAS, please verify his SSN.

MAJ KEMKES needs to stop by this office to get debriefed from SCI access(es) held with SSO DA.

CPT BOUCHARD is not read-on.

What is a good number for you?

[REDACTED]
30 May 2012

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 7:40 AM
To: [REDACTED] (US); [REDACTED] (US)
Cc: [REDACTED] (US); [REDACTED] (US); Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: New Clearance

Thank you. 202-685-4572. Hurley SSN: [REDACTED]

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 10:04 AM
To: [REDACTED]
Cc: [REDACTED], Jeffrey
Subject: RE: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]
Was a decision made within yesterday's deadline?

v/r
Hunter

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Wednesday, May 30, 2012 11:01 AM
To: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ USARMY (US);
Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Disclosure of Damage Assessment (UNCLASSIFIED)

CPT Whyte,

The Government must request for a protective order from the military judge under MRE 505(g)(1) in order to place the requested access requirement upon the damage assessment. Please verify if the OCA is claiming a privilege or if the Government intends to seek a protective order.

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 11:12 AM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Ellen, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Disclosure of Damage Assessment (UNCLASSIFIED)

David,

The Court's protective order, paragraph 3(1)(7) is clear on this- "If trial counsel advises the defense counsel, in writing, that certain classified information or documents may not be disclosed to the accused, then defense counsel shall not disclose such information or documents to the accused without prior concurrence of the trial counsel, absent such concurrence, approval of the Court."

We have the information ready to give to the defense, voluntarily under MRE 505(g)(1). You may address this issue next week, if you wish; but we have it ready to send immediately in classified discovery once we receive defense counsel's written acknowledgment.

Thank you.

v/r
Ashden

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 4:58 PM
To: [REDACTED]@usitc.gov
Subject: RE: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

I'm sorry for writing you again, but have you heard anything about the status of your department's decision relating to our request? I know you said you cannot provide a time frame, but we have a motion hearing scheduled for early next week and we were hoping to have an answer from all agencies/departments by the end of this week.

Again, thank you for your continued support.

v/r
Hunter

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Wednesday, May 30, 2012 7:17 PM
To: [REDACTED]@opic.gov
Cc: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good evening,

I am one of the prosecutors in the case of United States v. PFC Bradley Manning. A few weeks ago, one of our paralegals, SGT Bradley, sent you the below email. Did your organization locate any documents responsive to our request? Did your organization provide a written or oral response to NCIX in response to its request, as memorialized below?

We are in the middle of litigation, so a timely response is necessary.

Thank you for your assistance with this matter! Please let me know if you wish to discuss further.

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, May 31, 2012 7:19 AM
To: [REDACTED] (US)
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Requests

Sir,

Sorry to be inundating you with emails. Do you think you think the G2 / D-G2 will be able to approve those requests by tomorrow? Thanks!

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, June 01, 2012 7:36 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Ellen, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Security Expert
Attachments: Security Expert Memo.docx; 110114-SPCMCA Approval Defense Expert in IA Smith.pdf; 101012-Appointment of 2d Defense Security Expert Hall.pdf; 101028-Defense Request for IA Expert.pdf; 100928-Defense Request for 2d Security Expert.pdf; 100917-Appointment of Defense Security Expert.pdf

David,

Based on your request, we reached out to the different chains of command of the experts to receive input, including Ms. Smith's. We have realized that each of the defense's referenced experts were appointed approximately 1.5 years ago, and as you know were appointed as expert consultants in their respective fields. See Requests and Appointment documents. Based on the draft memorandum you provided, it appears that their jobs have morphed since their original appointment as consultants.

We recommend that you turn your draft memorandum into a request to the GCMCA for reappointment. This request should reflect the scope of the responsibilities you anticipate these experts will provide, the reasons why these experts are necessary, an estimate of how much time their obligation to the defense team will take, and request their position as a defense expert consultant take priority over all other work. We will take this request to their chains of commands, obtain approval / disapproval / support, and then route it to the GCMCA for action.

Once we receive the requests, we will start routing them immediately. This should be sufficient to ensure that the defense is receiving the proper support and the right person is providing that support based on the scope. Additionally, we can ensure that they will not have any difficulty with their respective chains of command by having the commands sign-off on the reappointment.

Please let me know if you have any questions/concerns.

V/r
Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Saturday, June 02, 2012 8:47 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurlley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Security Expert
Follow Up Flag: Follow up
Flag Status: Completed

Ashden,

I am not for sure what you mean by their jobs have "morphed." All of the listed duties are implicit as their role as experts for the Defense. Additionally, the added roles of reviewing motions and other materials for classified information; accompanying defense counsel on witness interviews where classified information may be discussed; accompanying defense counsel whenever required to do so in order to view classified information provided to the defense in discovery; being present in the courtroom during any session are requirements based upon the Government's request.

I am also not for sure what you are asking the Defense to do in this new memorandum that you suggest we write. All I need from the Convening Authority is something that will ensure Mr. Hall and Mr. Ganiel's chain of command understand that their duties as experts for the defense must take priority over other duties.

Although I did not ask for the Government to reach out to the chains of command for Mr. Hall, Mr. Ganiel, and Ms. Smith what did you learn from doing so? This issue might be resolved if you were able to successfully convey to the chains of command the importance of the Defense experts' duties.

Please let me know if you have any questions or concerns.

Best,
David

David E. Coombs, Esq.
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From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Saturday, June 02, 2012 12:01 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'
Subject: RE: Government's Aggravation

Follow Up Flag: Follow up
Flag Status: Completed

Ashden,

When is the Government intending to submit your aggravation/sentencing information to the Court and Defense? The Court needs this information in order to evaluate the substitutions issue. Based upon your previous email, you indicated you were trying to accomplish this by COB Friday.

Best,
David

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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
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From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Saturday, June 02, 2012 12:08 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)
Subject: State Department Witness

Follow Up Flag: Follow up
Flag Status: Completed

Ashden,

Who does the Government intend to bring from the State Department? I am assuming that this person will be knowledgeable on the topic we are addressing.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Sunday, June 03, 2012 10:00 PM
To: [REDACTED]@omb.eop.gov
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: NCIX Information

Sir,

Good evening. I am a the lead US Army prosecutor for the Court-Martial of Private First Class Bradley Manning in connection with "W#kileaks." The purpose of this email is to request a copy of all documents that the OMB provided to NCIX more than one year ago, in reference to "W#kileaks." Although we have been coordinating with NCIX/ODNI for the past year, just in February they determined that we cannot review copies of your organization's documents in their possession, and we must directly go to your organization to coordinate a review.

We are requesting this information to determine if there is any information that may be discoverable and may require production by the government. None of the information will leave our office, unless your organization has approved its release, and it will remain classified at all times.

We would like to review the documents from your organization as soon as possible. This short suspense is necessary as we are currently in discovery litigation, and to allow for enough time to coordinate with your organization, if information is discoverable. If the information is classified, please feel free to use my SIPRNET or JWICS email addresses below to transmit your documents. If you would like to speak with the us, please call at 202-685-4572 and if I am not available, then please call 202-685-1975 and speak with Captain Hunter Whyte (CCed). Hunter is the prosecutor responsible for damage assessments and other similar material. This week we will be in a series of motions hearings and will likely respond back towards the end of each day.

SIPRNET: ashden.fein@jfhqncr.northcom.smil.mil
JWICS: ashden.fein@dodiis.ic.gov

Thank you.

v/r

Ashden Fein
Major, US Army
Trial Counsel

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Sunday, June 03, 2012 10:00 PM
To: [REDACTED]@USTR.EOP.GOV
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: NCIX Information

Sir,

Good evening. I am a the lead US Army prosecutor for the Court-Martial of Private First Class Bradley Manning in connection with "W#kileaks." The purpose of this email is to request a copy of all documents that the Office of US Trade Representative provided to NCIX more than one year ago, in reference to "W#kileaks." Although we have been coordinating with NCIX/ODNI for the past year, just in February they determined that we cannot review copies of your organization's documents in their possession, and we must directly go to your organization to coordinate a review.

We are requesting this information to determine if there is any information that may be discoverable and may require production by the government. None of the information will leave our office, unless your organization has approved its release, and it will remain classified at all times.

We would like to review the documents from your organization as soon as possible. This short suspense is necessary as we are currently in discovery litigation, and to allow for enough time to coordinate with your organization, if information is discoverable. If the information is classified, please feel free to use my SIPRNET or JWICS email addresses below to transmit your documents. If you would like to speak with the us, please call at 202-685-4572 and if I am not available, then please call 202-685-1975 and speak with Captain Hunter Whyte (CCed). Hunter is the prosecutor responsible for damage assessments and other similar material. This week we will be in a series of motions hearings and will likely respond back towards the end of each day.

SIPRNET: ashden.fein@jfhqncr.northcom.smil.mil
JWICS: ashden.fein@dodiis.ic.gov

Thank you.

v/r

Ashden Fein
Major, US Army
Trial Counsel

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Sunday, June 03, 2012 10:00 PM
To: [REDACTED]@cea.eop.gov
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: NCIX Information

Ma'am,

Good evening. I am a the lead US Army prosecutor for the Court-Martial of Private First Class Bradley Manning in connection with "W#kileaks." The purpose of this email is to request a copy of all documents that the Council on Economic Advisors provided to NCIX more than one year ago, in reference to "W#kileaks." Although we have been coordinating with NCIX/ODNI for the past year, just in February they determined that we cannot review copies of your organization's documents in their possession, and we must directly go to your organization to coordinate a review.

We are requesting this information to determine if there is any information that may be discoverable and may require production by the government. None of the information will leave our office, unless your organization has approved its release, and it will remain classified at all times.

We would like to review the documents from your organization as soon as possible. This short suspense is necessary as we are currently in discovery litigation, and to allow for enough time to coordinate with your organization, if information is discoverable. If the information is classified, please feel free to use my SIPRNET or JWICS email addresses below to transmit your documents. If you would like to speak with the us, please call at 202-685-4572 and if I am not available, then please call 202-685-1975 and speak with Captain Hunter Whyte (CCed). Hunter is the prosecutor responsible for damage assessments and other similar material. This week we will be in a series of motions hearings and will likely respond back towards the end of each day.

SIPRNET: ashden.fein@ifhqncr.northcom.smil.mil
JWICS: ashden.fein@dodiis.ic.gov

Thank you.

v/r

Ashden Fein
Major, US Army
Trial Counsel

From: [REDACTED]@ostp.eop.gov]
Sent: Friday, June 01, 2012 1:12 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]
Subject: FW: Points of Contact (US v. Manning)

Dear Major Fein,

I am OSTP's POC for legal issues related to this case. Please let me know if you have questions or require further information.

[REDACTED]
Office of Science and Technology Policy
Executive Office of the President
[REDACTED]

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, June 04, 2012 11:08 PM
To: 'David Coombs'
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Updates

David,

1. Based on receiving CPT Tooman's acknowledgment on 1 June 2012 and the prosecution receiving all defense counsel acknowledgments, we produced in classified discovery the Department of Energy damage assessment (BATES: 00449241-00449242). Today, we sent a copy to NWC to be ready for your review when you return (Tracking: 7936 3594 2020). Additionally, we can deliver a second copy to the Fort Meade TDS office tomorrow, or wait to deliver the second copy to Fort Myer after this week's motions hearing. Please let us know which the defense would prefer.
2. Based on your previous question for us to give you an update on CW2 Santiago's replacement, it is our understanding that this is being coordinated through TDS channels. MDW was informed that the Chief, TDS coordinated directly or indirectly with you for personnel issues concerning the defense. After confirming with the Chief Warrant Officer of the Corps, it is our understanding that all future personnel requests for any personnel, will be handled through TDS channels.
3. CW2 Ford and Mr. Boardman will meet the defense outside the Courthouse at 0930 hours tomorrow morning with the Department of State damage assessment, as per our scheduled time. Please let us know the next time any defense team member would like to review the material again.
4. As for your defense experts the command is fully committed to providing the defense adequate support based on the defense's needs; however as in every jurisdiction, the defense is required to request expert support from the government. The original appointment was for experts to fulfill the duties the defense requested and that is was the basis for the current experts appointments more than one year ago. There is no question that, except for testifying as expert witnesses, the duties listed in the your proposed memorandum are reflected in the Court's orders and other requirements for properly handling classified information; however the government cannot estimate the amount of time required to accomplish these tasks. As previously stated, if the defense wants the Convening Authority to require your experts to prioritize consulting on the defense team over all other duties, then the Convening Authority needs a request which asks the Convening Authority to do so and provide reasons and a basis for your request. A persuasive reason would likely be the extent of their duties and the time commitment involved. The original Requests, which authorized their detail to the defense as mere consultants, did not contemplate how time-consuming your experts' work is, and no one knows how time-consuming your experts' work is but you and your experts. Submitting this request is also a good way to ensure that you have the appropriate experts on your team, i.e., those who can give you the requisite time whenever you need them. Finally, this request can be used by the Convening Authority to ensure the leadership of your experts, which work outside the command of the Convening Authority, also adopt the expert appointment over all other duties precedence. In order to best effect what the defense is seeking, we recommend submitting this request, which we will immediately forward to the defense experts chains of command, and then to our Convening Authority for action.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, June 04, 2012 11:13 PM
To: [REDACTED] SES (US)
Cc: Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Subject: Approvals

Sir- any luck with the G2 approvals? It would be good if we can get it by COB tomorrow so we can turn the drives over. [REDACTED]
Thanks!!!

v/r
Ashden

From: [REDACTED] SES (US) [REDACTED]@mail.mil]
Sent: Tuesday, June 05, 2012 7:58 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Approvals (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sorry, Got it signed last week. I will pdf the front page of both for you today.

[REDACTED]
Office of the Judge Advocate General of the Army, Pentagon 3D548
NIPR: [REDACTED]@mail.mil
SIPR: [REDACTED]@HQA-S.army.smil.mil
JWICS: [REDACTED]@adaml.ic.gov
Tel: [REDACTED]

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Tuesday, June 05, 2012 8:03 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurlley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Updates

Ashden,

1. Please deliver the second copy to Fort Myer after this week. In general, does this CD just contain the one classified damage assessment, or does it contain other damage assessments? If so, please provide the BATES number range of what is on the CD and its general content.
2. I will reach out to TDS to confirm that they are tracking on this issue. It may still be that the Government needs to obtain a warrant and assign him or her to TDS as they did with Chief Santiago.
3. Looking forward to some light reading.
4. I disagree. The duties listed in the proposed memorandum are reflected in the Court's orders and the Convening Authority's original appointment of these individuals as members of the defense team. Please have the proposed memorandum signed by the Convening Authority. If you will not do this, please inform me of this fact, and your basis so that it can be raised in a motion for appropriate relief.

If we do need to litigate the issue, then in the interim, as the Court directed, please appoint an additional security expert to the Defense team. We will need someone that can be on call whenever we need to interview a witness or inspect classified information (when having such a person present is a requirement by the Government).

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
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www.armycourtartialdefense.com

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From: David Coombs [coombs@armycourt martialdefense.com]
Sent: Monday, June 11, 2012 4:41 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Ganiel, Charles J CIV (US); CASSIUS.HALL@MI.ARMY.MIL
Subject: Unclassified Versions of Damage Assessments

Ashden,

In order to facilitate its handling and use during any judicial proceeding, the Defense requests that the Government provide an unclassified (sanitized) version of the following damage assessments:

- 1) Department of State damage assessment;
- 2) DIA/IRTF damage assessment;
- 3) ONCIX damage assessment;
- 4) Department of Homeland Security damage assessment;
- 5) FBI Impact Statement; and
- 6) Any classified assessment by one of the 63 agencies; and
- 7) CIA damage assessment.

If the Government is aware of other damage assessments that have not been revealed to the Defense due to coordinating with the relevant OCA, the Defense requests that the Government prepare an unclassified version of these damage assessments as well.

Please let me know if you have any questions or concerns.

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317

Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtartialdefense.com <<mailto:coombs@armycourtartialdefense.com>>

www.armycourtartialdefense.com <<http://www.armycourtartialdefense.com/>>

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, June 14, 2012 2:24 PM
To: [REDACTED]
Subject: chat today

[REDACTED] are you available for a quick phone chat? If so, can you email me and I will call. My phone and 1975 are not working. X2051 or x4489.

Thanks.

Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Friday, June 15, 2012 5:44 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: Update

Ashden,

Please provide feedback on the following:

- 1) Article 39(a): Please have PFC Manning at the courthouse at 0900 on 25 June. I want to be able to go over some documentation with him.
- 2) Case Calendar: Are you planning on submitting a case calendar or commenting on the calendar the Defense submitted on Monday? If so, when?
- 3) Motions: When is the Government filing its Due Diligence response motion and its targeted brief on damage?
- 4) Sanitized Versions: Do you have an update on being able to provide unclassified versions of the various damage assessments?
- 5) Department of Homeland Security Damage Assessment: Have you sent this to the NWC?
- 6) Redactions: Are you still planning on submitting your response tomorrow - or did you mean today?
- 7) Replacement for Santiago: TDS does not have the ability to provide a replacement warrant officer for CW2 Santiago. Can the Government provide a suitable replacement?

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282

coombs@armycourtartialdefense.com <<mailto:coombs@armycourtartialdefense.com>>

www.armycourtartialdefense.com <<http://www.armycourtartialdefense.com/>>

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, June 15, 2012 6:12 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Update

David,

Below is an update on your questions and other issues.

1. Article 39(a). We will have PFC Manning at the courthouse at 0900 on 25 June.
2. Case Calendar. We intend to submit a case calendar update on Thursday with our other filings.
3. Motions. We intend to submit our two filings on Thursday, as per our discussion last week.
4. Sanitized Versions of Damage Assessments. We have provided the defense all the damage/impact assessments that exist within each agency or organization. The government did not produce unclassified versions of the damage assessments for the ones that are classified and which have been produced; therefore, there are no unclassified or sanitized versions to provide.
5. Department of Homeland Security Damage Assessment. As stated on Friday, we sent the request earlier this week and NWC received it on Wednesday. Additionally, CW2 Santiago signed for a copy on Wednesday. I apologize for not notifying you sooner of the tracking number or confirmed delivery.
6. Redactions. We will file with the Court tonight and we do not intend to request protective orders.
7. Replacement for Santiago. As previously stated, MDW was informed that the Chief, TDS coordinated directly or indirectly with you for personnel issues concerning the defense. After confirming with the Chief Warrant Officer of the Corps, it is our understanding that all future personnel requests for any personnel, will be handled through TDS channels. Please address any personnel issues through the military defense counsel and their RDC.
8. Defense Expert Request. We have not resolved the issue of the defense requesting that your experts have their time dedicated primarily to the defense. Does the defense intend to request this? Without a request which outlines the anticipated scope of their additional duties (which is already written in your proposed memo) and an estimate of the total time you anticipate you will need their services, we cannot go to their leadership and the convening authority for approval. The leaders must know how much time you anticipate will be needed and to what extent, so they can make informed decisions. Once we receive a request, we will immediately take the request to your experts' leadership and the convening authority for action.

Have a good weekend.

02833283

v/r
Ashden

From: David Coombs [coombs@armycourtmartrialdefense.com]
Sent: Friday, June 15, 2012 6:31 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update
Follow Up Flag: Follow up
Flag Status: Completed

Ashden,

- 1) Thank you.
- 2) Why do you feel that Thursday is the agreed upon date for the case calendar?
- 3) Same as #2 - I don't recall any discussion that Thursday was the timeline for this issue. Not only would this give no time for the Defense to reply, it also does not provide the Court with time to consider the motions prior to the Article 39(a).
- 4) The Defense is requesting that the various agencies produce an unclassified version of their damage assessments. According to the defense security experts, this is not an unusual request.
- 5) Not a problem. Thank you.
- 6) Thank you.
- 7) As stated, TDS cannot provide a replacement warrant officer. I am requesting that the Government provide a replacement for CW2 Santiago. Please inform me if the Government's position is that it will not do so.
- 8) The Defense does not believe that any additional request detailing scope of work or timing commitments is necessary. If you disagree, as per our discussion with COL Lind, please provide an additional security expert to be available when our defense experts are not.

Best,
David

David E. Coombs, Esq.
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, June 18, 2012 10:45 AM
To: [REDACTED]
Subject: today

Gents,

Are we still on for 2pm today? Are you available to chat about today's meeting? Thanks.

From: [REDACTED]@state.gov]
Sent: Monday, June 18, 2012 10:52 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; [REDACTED]
Subject: RE: today

We are on. You'll probably want to chat with [REDACTED] or me, as [REDACTED] has been crushed with other matters. [REDACTED]

From: [REDACTED]@dodis.mil]
Sent: Monday, June 18, 2012 4:31 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: pickup time?

Ashden,

What time do you guys want me to stop by tomorrow? Also, I can't promise the parking will be good... but I did put in the request for a temporary parking authorization. If you guys actually have reserved spots for a govt vehicle and would rather do that, that's fine, too...

See you then,

[REDACTED]

[REDACTED]

[REDACTED] Joint Staff Support Branch (DXI-SD)

[REDACTED]

From: Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Sent: Monday, June 18, 2012 5:21 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]
Subject: Meeting tomorrow (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

[REDACTED] called, and wants to move tomorrow's meeting to either 1100 or 1300. His number is [REDACTED]. Thanks.

Chief

V/R,

Arthur Ford

CW2, JA

Legal Administrator

Comm: 202-685-2975

BB: 571-289-9690

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, June 18, 2012 9:30 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

David,

1. Case Calendar. OBE w/ the Court.
2. Motions. OBE w/ the Court.
3. Unclassified Assessments. If the defense is requesting information in discovery, then please provide a discovery request with the proper authority. We have provided (or are working to provide) the defense all the damage/impact assessments that exist within each agency or organization. The government did not produce unclassified versions of the damage assessments for the ones that are classified and which have been produced; therefore, there are no unclassified or sanitized versions to provide.
4. CW2 Santiago's Replacement. Although we are standing by to assist, MDW will not provide assistance, unless we receive different guidance from the Chief, IDS, because IDS is the lead for all defense personnel issues. As previously stated, please address any personnel issues through the military defense counsel and their RDC.
5. Defense Security Experts. As the prosecution, we are not situated to estimate how the defense intends to employ their experts (scope) and how much time that employment might take (cost of employment); therefore since 30 May 12, we have asked the defense to submit a request. On 30 May 12, the defense did not submit a request, but rather a proposed memorandum for the SPCMA to order your experts duties take precedence over their normal duties. We are standing by to assist the defense with any challenges you may have with security experts; however the convening authority will not act on expert issues without a defense request, especially considering the defense is requesting government employees perform their duties as a top priority and/or another expert be detailed to the defense. IAW with RCM 703(d), for either of your requests, please "submit a request to the convening authority to authorize the employment and to fix the compensation for the expert." Please include "a complete statement of reasons why employment of the expert is necessary and the estimated cost of employment." Once we receive an adequate request, we will act immediately on the request, by coordinating through your experts' leadership to provide their input and the defense's request to the appropriate convening authority for action.

v/r
Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Monday, June 18, 2012 9:42 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

Ashden,

1 and 2: We will wait for guidance from COL Lind;

3. This is not a discovery request, we are simply asking for an unclassified version of the various damage assessments. Again, this is not an unusual request. Please submit our request to the various organizations so that they can produce an unclassified version of the damage assessments;

4. Is this the position of the SJA?

5. Please appoint an additional security expert to be on standby for when the Defense needs to review damage assessments.

Best,
David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, June 19, 2012 9:54 AM
To: [REDACTED]
Cc: [REDACTED] Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: SVTC

Sir,

Good morning. I apologize for not getting back to you sooner. As per our discussion last week, are you available later this week for a SVTC? As of now, we are free all day Thursday and should be able to obtain access to a SVTC anytime on Thursday.

Thanks.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, June 19, 2012 11:03 AM
To: [REDACTED]
Cc: [REDACTED] Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA;
[REDACTED] DIA USCENTCOM CCJ2-X; [REDACTED] USSOCOM
Subject: RE: SVTC

[REDACTED] Thank you. Thursday morning works for us. We can be at the DIAC anytime to jump on the TB. I propose 1000EST, but we are VERY flexible.

[REDACTED] could you please send us your contact info so we can chat on the telephone, secure or unsecure? Thank you.

v/r
Ashden

From: [REDACTED]@dodis.mil]
Sent: Tuesday, June 19, 2012 2:34 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Newest Filing and Proposed Way Forward

I have reviewed the attached document. DIA has no issue with the document and identified no classified information in the document. [REDACTED] (leave) and [REDACTED] (TDY) are out of the office until next week. I'm responding in their absence. [REDACTED]

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, June 19, 2012 8:39 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

David,

1. For the unclassified damage assessment, we will forward your request to each agency.
2. CW2 Santiago's replacement. The OSJA, MDW is standing by to assist; however based on the Chief, TDS's guidance, TDS is the lead for all personnel issues. Please continue to address any personnel issues through the military defense counsel and their RDC. Based on information we have, it is our understanding that a SFC is in-bound to assist the defense.
3. Security Expert. Once we receive an adequate request, we will act immediately on the request to either obtain an additional expert or coordinate through your current experts' leadership to provide their input to the appropriate convening authority for action. Please see below for a further explanation.

v/r
Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Wednesday, June 20, 2012 7:17 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); 'Santiago, Melissa S CW2 USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

Ashden,

1. Thank you.
2. Is this the position of the SJA?
3. See below.

Best,
David

David E. Coombs, Esq.
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Providence, RI 02906
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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, June 20, 2012 7:53 AM
To: [REDACTED]
Subject: RE: SVTC

Sir, I will call at 0930. Thank you.

-----Original Message-----

From: Futch, Joseph R Mr CIV DIA USCENTCOM CCJ2-X [<mailto:joseph.futch@centcom.mil>]
Sent: Wednesday, June 20, 2012 7:48 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: SVTC

0930 would be best, if you can do it then. I have an internal staff meeting at 0900 and will be involved with the ongoing WW CI/HU Conference at 1100.

Will that work? If so my SVOIP # is 3025292223

Thanks

JRF

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, June 21, 2012 5:57 PM
To: David Coombs; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: 18 June Motion

David,

We do not have an answer from the relevant government agencies/departments. Once we do within the timeframe of the Court's order, we will send you an answer.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, June 22, 2012 9:20 PM
To: [REDACTED] USARMY (US)
Cc: [REDACTED] USARMY (US); [REDACTED] USA JFHQ-NCR/MDW SJA;
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-
NCR/MDW SJA
Subject: Immediate: US v. PFC Manning Discovery
Importance: High

[REDACTED]
Good evening. [REDACTED]
[REDACTED]

Are you available this weekend to discuss? [REDACTED]
[REDACTED]

v/r
Ashden
202-685-4572 (office)
202-450-8230 (blackberry)

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, June 25, 2012 8:37 AM
To: [REDACTED]
Cc: [REDACTED]; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA
Subject: RE: Discovery

Sir,

Thank you. We currently have a meeting with [REDACTED] scheduled for 1400 at the DIAC. How is 1500?

v/r
MAJ Fein

From: [REDACTED]@dod.iis.mil]
Sent: Monday, June 25, 2012 8:38 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA
Subject: RE: Discovery

OK. [REDACTED]

[REDACTED]
Defense Intelligence Agency
[REDACTED]

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Monday, June 25, 2012 11:08 AM
To: [REDACTED]@usitc.gov
Subject: RE: US v. PFC Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

[REDACTED]
Did you speak with [REDACTED] at NCIX yet? If not, I'll send him a reminder to give you a call.

Thanks,
Hunter

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Tuesday, June 26, 2012 2:00 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Ellen, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US)
Subject: Discovery Request
Attachments: Discovery Request - 26 Jun 12.pdf

Ashden,

Please find the attached discovery request.

Best,

David

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11 South Angell Street, #317
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www.armycourtartialdefense.com <<http://www.armycourtartialdefense.com/>>

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From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, June 26, 2012 5:05 PM
To: [REDACTED]@sba.gov
Cc: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

I am one of the prosecutors in the above-captioned courts-martial. Can you please provide a response to our below request? Did your organization provide a response to NCIX, either in writing or orally?

Thank you!

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Tuesday, June 26, 2012 5:10 PM
To: [REDACTED]@fmc.gov
Cc: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Follow Up Flag: Follow up
Flag Status: Completed

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am one of the prosecutors in the above-captioned courts-martial. Can you please provide a response to our below request? Did your organization provide a response to NCIX, either in writing or orally?

Thank you!

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, June 27, 2012 7:00 AM
To: [REDACTED]
Cc: Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA;
john.b.haberland.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA;
Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: Document Review
Importance: High

[REDACTED],

Good morning. Could you please coordinate for us to start document review of the most recent material starting tomorrow morning at 8:00am? We would like to plan on putting two full days in (Thu & Fri) and hopefully finish by Friday. Knowing there are only two computers, I plan on having three of us show up tomorrow morning and then I will likely leave after we start the review. We will have to come back to complete our overall Brady search- the focus in the next two days will be on the material that is part of the Court's order.

Thanks!

Ashden

From: [REDACTED]@state.gov]
Sent: Wednesday, June 27, 2012 3:39 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]
Subject: RE: Document Review

Ashden -- Please come to SA-2, 515 22nd Street NW. One of my staff assistants, [REDACTED], will be here to escort you in to the area where the documents and computers are. You can give her name and number to the guard; he'll call her at [REDACTED]. Will all five on the list be coming? [REDACTED] can give the guard their information so we can expedite clearing you in to the building. [REDACTED] and [REDACTED] are our document czarinas and [REDACTED] and her IT colleagues will get you onto the system. We look forward to seeing you tomorrow. Please let me know if you have any questions. Thanks! [REDACTED]

[REDACTED]
[REDACTED] Office of Information Programs and Services

A/GIS/IPS; Room 5073, SA-2

U.S. Department of State

Washington, DC 20520

Direct: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

SBU

This email is UNCLASSIFIED.

From: David Coombs [coombs@armycourtmarialdefense.com]
Sent: Wednesday, June 27, 2012 4:01 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery Clarification

Ashden,

1. Just to be 100% clear, we are referring to DIA, DISA, CENTCOM, SOUTHCOM, CYBERCOM, HQDA and any other documents that are within the possession, custody and control of military authorities.
2. "For files under the possession, custody, or control of military authorities, the prosecution will seek out, identify, and disclose such files regarding the accused that involve investigation, damage assessment, or mitigation measures. Additionally, for files pertaining to the accused within the possession, custody, or control of military authorities that the Government is aware of and has searched for Brady material, the trial counsel will turn over to the defense any information that is obviously material to the preparation of the defense." I'm still not sure if we are saying the same thing. Again, just to be clear, three things:
 - a) You say that the prosecution will "seek out, identify and disclose such files regarding the accused that involve investigation, damage assessment or mitigation measures" -- again, this applies to things you have already reviewed, not just those things you will "seek out".
 - b) the additional documents (aside from investigations, damage assessments and mitigation measures) do not need to be "files pertaining to the accused" (though oftentimes they will be). They simply have to be files that are material, as in helpful, to the preparation of the defense;
 - c) the order is not limited to files that the Government has searched for Brady. It applies to all files that the Government has already looked at or will look at, in any capacity.
3. There seems to be some inconsistency based on what you said in (2).

If you could get back to me to ensure that we are 100% on the same page, that would be great.

Best,
 David

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, June 27, 2012 4:11 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Document Review

[REDACTED],

Thank you! Will there be two or three computers available? If we can have three, then we would likely have three attorneys reviewing with the hope of starting and finishing this week without afterhours or weekend work. At most and as of now, only four of us will be there tomorrow- Ashden Fein, Angel Overgaard, J. Hunter Whyte, and Alec vonElten. I will need to leave after we start, and all three will stay (depending on the number of computers).

Thank you again!

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, June 27, 2012 5:47 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Discovery Clarification

David,

The following is in response to your email below:

1. The prosecution agrees.

2(a). The prosecution agrees.

2(b). The Court's rulings are clear to us. Per the Court's ruling, "for files pertaining to the accused within the possession, custody, or control of military authorities that the Government is aware of and has searched for Brady material, the trial counsel will turn over to the defense any information that is obviously material to the preparation of the defense." Additionally, per the Court's Clarification of its Ruling, the prosecution "in reviewing files subject to RCM 701(a)(2) will provide the defense any information beyond the investigation, damage, and mitigation measures that are obviously relevant and helpful to the defense."

2(c). The prosecution agrees.

3. The Order applies to files the prosecution has previously reviewed and files the prosecution will review.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Sunday, July 01, 2012 1:14 PM
To: [REDACTED]
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA
Subject: Document Review

[REDACTED] et al.,

The prosecution spent all day Thursday and Friday at State reviewing documents, responsive to the original tasker (prudential search and preservation) and the Court's order. The accommodations were incredible, the systems worked great, and everyone was very helpful! We finished going through all the documents, except the following three categories: approximately 200 cables from the original tasker, certain documents that are captioned for the Secretary and were not available, and whatever documents that still have not been copied from INR relevant to item #7 on the Court's order. We are spending this weekend writing the motion which is due on 9 July. Hopefully, we will be able to finish our review of the remaining documents in 1 day to complete the review by Thursday, 5 July. That date will give us enough time to discuss with L and any others the way forward and what documents we identified as likely discoverable and how to best protect the information for Monday's filing.

Thank you!

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
 Sent: Sunday, July 01, 2012 10:59 PM
 To: [REDACTED] USARMY (US); [REDACTED] USARMY (US); [REDACTED]
 [REDACTED] USARMY (US); [REDACTED] USARMY (US);
 [REDACTED] @mail.mil; [REDACTED] USARMY (US);
 [REDACTED] @us.army.mil; [REDACTED] @mail.com;
 [REDACTED] @us.army.mil; [REDACTED] @mail.mil;
 [REDACTED] @us.army.mil; [REDACTED] @mail.mil; [REDACTED] @us.army.mil;
 [REDACTED] @mail.com
 Cc: [REDACTED] USA JFHQ-NCR/MDW SJA; Hughes, Brian A. LTC USA JFHQ-NCR
 MDW SJA; Boston, Louis J. MAJ USA JFHQ-NCR/MDW SJA; [REDACTED]
 USARMY (US); [REDACTED] USARMY (US); [REDACTED] USARMY
 (US); [REDACTED] USARMY (US); [REDACTED] USARMY (US);
 [REDACTED] USARMY (US); [REDACTED] USA MIL (US);
 [REDACTED] (US); Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA; Ford,
 Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW
 SJA; Waybright, Daniel W. SGT USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT
 USA JFHQ-NCR/MDW SJA; john.b.habertand.mil@mail.mil; Morrow III, JoDean, CPT USA
 JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; von Elten,
 Alexander S. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-
 NCR/MDW SJA
 Subject: Prosecution Thank You!
 Importance: High

[REDACTED]

The prosecution team sincerely thanks each of you for your assistance this weekend! Each of you worked a total of 17 hours on Saturday and Sunday and collectively reviewed 27,602 documents. On behalf of the entire team- Thank you for the hard work and your selfless service!

v/r

MAJ Fein

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, July 02, 2012 8:15 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA (Arthur.Ford@jfhqncr.northcom.mil)
Subject: Update

David,

1. Wikileaks Task Force Report. The authorized substitution of the Wikileaks Task Force Report is available for defense inspection, so long as a defense expert is present. With reasonable notice, the prosecution will make the report available at a pre-coordinated SCIF at Fort Belvoir, VA for any defense counsel to view. Please notify the prosecution when defense counsel would like to view the document and we will immediately coordinate. Additionally, the defense security expert should bring his courier card and the appropriate security bag, if anyone intends to take notes. The majority of the notes will have to be secured in a SCIF with your security expert.
2. Defense Discovery Request. We anticipate having a response back to the defense tomorrow.
3. Unclassified Versions of Damage Assessments. We are still working on coordinating with OCAs to determine whether they will produce unclassified versions of the damage assessments.
4. Government Filings via SIPR. We are still processing the defense's request.
5. Safes Move. When does MAJ Hurley and CPT Tooman expect to be settled in their offices, so that we may move the safes? Also, we will need each of their security managers names and contact information in order to coordinate proper storage and use of the facilities for classified information.
6. Courier Cards. If MAJ Hurley or CPT Tooman require courier cards, then please have a military defense counsel submit a request to the convening authority, similar to the previous defense request.
7. Meeting with Accused. When would the defense like your client brought to Fort Meade for the next session?
8. Defense Attachment. Fort Belvoir was essentially shut down today based on the weather. We will contact COL Lind tonight to see if she will be in her office tomorrow, so that we may deliver BATES# 00124331. In the future, please have a military defense counsel (in person, once they receive their safes) or a defense security expert (via SIPR or in person) submit classified documents to the Court, as per the protective order, especially since one of each are now co-located at Fort Belvoir with COL Lind.

Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, July 05, 2012 8:51 AM
To: [REDACTED]
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: Discovery (US v. Manning)

[REDACTED]

Good morning. As you might remember, I am the lead trial counsel for the court-martial of PFC Manning (Wkile@ks). We received some information from NGA as part of our prudential search and preservation request and we have finally reviewed the material. Are you available later today or tomorrow to discuss these 14 documents (in general) and our discovery obligations?

Thank you!

v/r
Ashden

From: [REDACTED]@dodis.mil]
Sent: Thursday, July 05, 2012 3:04 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Documents

Ashden, Just talked with [REDACTED] who is working at an alternate location.
Please check your SIPR and JWICS accounts and respond to [REDACTED], if possible.
[REDACTED]

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, July 06, 2012 2:22 PM
To: [REDACTED]
Cc: Orlow, Barry S.; Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: RE: US v. Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

[REDACTED]

We still have not received the document referenced below. Please send the document to the following email address (depending on its classification):

UNCLAS - jeffrey.whyte@jfhqncr.northcom.mil
SIPR: ashden.fein@jfhqncr.northcom.smil.mil (lead prosecutor)
JWICS: ashden.fein@dodiis.ic.gov (lead prosecutor)

Please let me know when this will be done, so we can keep moving forward. Thank you!

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Sent: Friday, July 06, 2012 3:16 PM
To: [REDACTED]@sba.gov
Cc: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Subject: US v. PFC Bradley Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

I am one of the prosecutors in the above-captioned court-martial. Can you please respond to our below inquiry for documents your organizations may have provided to the National Counterintelligence Executive? This is a time-sensitive matter.

If you need to discuss further, you can reach me at 202-685-4489.

Thank you, Sir..

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: David Coombs [coombs@armycourtmarshaldefense.com]
Sent: Friday, July 06, 2012 5:15 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'; Prather, Jay R CIV (US)
Subject: Update

Ashden,

- 1) Bates# 00449403-64. I received the Fed-Ex.
- 2) Classified Documents: I have not received notice yet from NWC of receipt, but will let you know when I do. With regards to the other CD, please hold onto this information until MAJ Hurley can coordinate with you to have the Myer safe moved to his office. If we are not able to resolve the issue before the 16th, please deliver a copy to us on that date for storage at Fort Meade.
- 3) Safe Move: MAJ Hurley will provide you with the name of his security manager and contact information in order to coordinate proper storage and use of the facilities for classified information. I am hoping that this is something that can be accomplished ASAP so that the safe can be moved to his office. Once the safe is moved to MAJ Hurley's office, all future discovery should be submitted to MAJ Hurley and myself.
- 4) WL Task Force Report: The Defense would like to review this document during our Article 39(a) on 16-20 July. The Defense security experts will be present. Our security expert will bring his courier card and the appropriate security bag for any notes that are taken. Our intent is to store notes either at Fort Meade or at MAJ Hurley's office once he has a safe. I did not understand your statement "the majority of the notes will have to be secured in a SCIF with your security expert." Is due to the classification of the document or is there another reason for this?
- 5) DIA - DOS Damage Assessment: The Defense would like to review the Court's copy of this documentation during our Article 39(a) on 16-20 July. The Defense security experts will be present and we agree to have Mr. Prather present anytime we are reviewing the DIA damage assessment.
- 6) Unclassified Versions of Damage Assessments: I understand that you are still working on coordinating with OCAs to determine whether they will produce unclassified versions of the damage assessments. Please keep me posted.
- 7) Government Filings via SIPR: I understand that you are still processing the issue raised by the Defense's security experts.
- 8) Courier Cards: MAJ Hurley is receiving a courier card as part of his inprocessing. CPT Tooman is in the process of obtaining a courier card. If either needs assistance, I will request that they contact you.
- 9) Meeting with PFC BM: We do not need to see PFC BM in advance of our Article 39(a). However, if the 39(a) session ends on Tuesday or Wednesday, we will still want to meet with him on each day of that week through Friday.

For any day that we do not have a court session, we would like to have PFC BM brought to the Fort Meade TDS office at 0900.

10) Defense Classified Attachment: I apologize for the confusion on the Defense classified attachment, and appreciate your assistance in providing the document to COL Lind. I went to the NWC yesterday to review some documentation, and realized that the classified document was essentially the same as the unclassified document. If only I had approval to have a SCIF in my office, we could have avoided the pain of delivering the document. Once MAJ Hurley and CPT Tooman have courier cards, I agree that we should not need the Government's assistance in submitting classified documents to the Court. However, I would like to make sure that when the safe is moved to MAJ Hurley's office, that we also give him the classified printer in order to print any needed document.

Best,
David

David E. Coombs, Esq.
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11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

From: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Sent: Monday, July 09, 2012 1:45 PM
To: [REDACTED]
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; [REDACTED]
Subject: RE: Request to Review NCIX Responsive Documents (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

Good afternoon! I hope that you have been well since we last spoke. I just wanted to touch base with you again and ask if you were able to verify that the Federal Maritime Commission did not produce any documents with regard to our request. Thank you again for all your help!

Very Respectfully,
SGT Princeton Bradley
Paralegal Non-Commissioned Officer
Military Justice, OSJA
Fort McNair, Bldg 32
202-685-1975
princeton.bradley@jfhqncr.northcom.mil

From: Bradley, Princeton L. SGT USA JFHQ-NCR/MDW SJA
Sent: Monday, July 09, 2012 1:49 PM
To: [REDACTED]@sba.gov
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Request to Review NCIX Responsive Documents (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Good afternoon, I hope that you have been well. I just wanted to follow up and make contact with you and see if you were able to make any headway with regard to my request below. Please feel free to contact our office should you have any questions or concerns. Thank you for your help!

Very Respectfully,
SGT Princeton Bradley
Paralegal Non-Commissioned Officer
Military Justice, OSJA
Fort McNair, Bldg 32
202-685-1975
princeton.bradley@jfhqncr.northcom.mil

From: David Coombs [coombs@armycourt martialdefense.com]
Sent: Monday, July 09, 2012 2:13 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'
Subject: Discovery Request/Classified filing
Attachments: Discovery Request - 9 Jul 12.pdf

Ashden,

Please find the attached discovery request.

Classified filing: In the future, please immediately send any classified filing to me at the NWC in addition to sending it by SIPR to our security experts and to MAJ Hurley. Also, when is the Government planning on addressing the issues identified by the Defense Security Experts? You last informed me on 2 July that you were still working this issue.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, July 09, 2012 6:29 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ USARMY (US); 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US)'
Subject: RE: Discovery Request/Classified filing

David,

We acknowledge receipt of this discovery request. As for the filings, we will continue to send copies to the NWC. The reason one was not sent immediately is because the filing was due Friday and NWC will not accept classified material on Saturdays. Additionally, we should have an answer about the classified filing and its markings by Wednesday.

v/r
Ashden

From: David Coombs [coombs@armycourtmarialdefense.com]
Sent: Monday, July 09, 2012 6:41 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hurley, Thomas F MAJ USARMY (US); Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'
Subject: RE: Discovery Request/Classified filing

Ashden,

I don't understand what you mean by not sending the classified documents sooner. These documents were part of the Government's 22 June filing. In this case, the documents could have been sent on either Thursday the 21st of June to ensure they arrived on the filing date or on the following Monday (25 June). The reason these documents were not discussed in our 902(11) reply was because I did not have access to them.

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourtmarialdefense.com
www.armycourtmarialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, July 09, 2012 7:15 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US)'; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; 'Hall, Cassius N CIV (US)'; 'Ganiel, Charles J CIV (US)'
Subject: RE: Discovery Request/Classified filing

David,

On 22 June, the United States filed its classified filings as per the protective order- sent via SIPRNET email to the court security Officer and to the defense security experts (all three security experts including Ms. Robillard at the NWC). All defense counsel had the motion available the night it was filed, along with the Court. We also had a copy ready for the Court and defense on Monday (25 June) at the motions hearing, but the new military defense counsel do not have storage capability. Additionally, we attempted to deliver a copy to the Fort Myer TDS office on Tuesday, 3 July and no one was at the office to sign for the information. We FEDEXed another version to the NWC with the enclosures, which were too large to send via email and it was delivered 6 July. This would have been sent sooner, but Ms. Robillard was not available to accept delivery. Finally, the defense has been in possession of the four logs and the associated forensic reports since before the New Year, therefore the enclosures were just repeat versions of the same information for the Court.

The defense has had access to the underlying information since the New Year, and the motion since 22 June via SIPRNET email.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, July 09, 2012 7:20 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ OSD OMC Defense; 'Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Hall, Cassius N CIV (US); 'Ganiel, Charles J CIV (US); Prather, Jay R CIV (US)
Subject: RE: Update
Attachments: 110920-Defense Request for Courier Cards.pdf

David,

1. Safe Moves. Once we coordinate with each security manager and ensure each military defense counsel is authorized to store classified material up to the "secret" level, then we will present the approval document to the convening authority for immediate action. Concurrently, we will start planning the safe moves.
2. Future Discovery. We will deliver all future discovery and other documentation to MAJ Hurley's office as the military defense counsel. We will need contact information and a designated individual to leave the information with, if MAJ Hurley is out of the office.
3. WL Task Force Report. We will try to obtain authorization for the defense to use a SCIF at Fort Meade for the week of 16-20 July; however we might not receive authorization. As previously stated, the government pre-coordinated for a SCIF at Fort Belvoir for the defense to view the document, and can make it available during the week of 16-20 July or any other time with reasonable notice. As for the notes, they will likely need to be stored with the defense security experts based on their classification, which can be explained in-person or with your security experts via SIPRNET email.
4. DIA and DOS Damage Assessments. We will have both copies available for the defense at Fort Meade for the week of 16-20 July. The copies we have are the defense copies and not the Court's copies. For the DOS assessment, the defense does not need Mr. Prather present; however to review the DIA assessment outside of DIA, then Mr. Prather must be present.
5. Courier Cards. If MAJ Hurley or CPT Tooman require courier cards, then please have a military defense counsel submit a request to the convening authority (GCMCA), similar to the previous defense request. MAJ Hurley's courier card at OMC should only be applicable to OMC information between their facilities and not for this case, and neither are authorized to courier classified material in this case without the convening authority's approval. Attached is a copy of MAJ Kemkes's prior request which should be sufficient to replicate and submit. We are standing by to swiftly execute.
6. Meetings with Clients. We will coordinate to have your client at the Fort Meade TDS office each morning at 0900, for the days we are not in session.
7. Classified IT Equipment. Assuming MAJ Hurley is approved to store this classified information in his office with a safe, then we will work to obtain approval to have him also keep the computers, printer, cube, etc. in his safe. Once that approval is obtained, then we will move the equipment to the new office from Fort Meade.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 10, 2012 11:01 AM
To: [REDACTED] USARMY (US)
Cc: [REDACTED] USA JFHQ-NCR/MDW SJA; [REDACTED] USA JFHQ-NCR/MDW SJA
Subject: FW: REQUEST FOR SEARCH OF NAVY RECORDS

[REDACTED]

1. FYSA - see below. Because we have two Navy admirals on our witness list, we are coordinating through the Navy in order to have a search of their personnel records for Giglio (impeachment) purposes.

2. Is there a process in place to search HQDA witnesses' personnel files? We need to submit a request for approximately six individuals.

Thank you!

v/r
Ashden

From: [REDACTED]@mail.mil]
Sent: Tuesday, July 10, 2012 11:37 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Hughes, Brian A. LTC USA JFHQ-NCR/MDW SJA; Boston, Louis J. MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: REQUEST FOR SEARCH OF NAVY RECORDS (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Ashden - I am not immediately aware of such a process. Will research and follow up.

v/r

[REDACTED]
[REDACTED] Criminal Law Division
Office of The Judge Advocate General
[REDACTED]

BB: [REDACTED]

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 10, 2012 12:22 PM
To: [REDACTED] USARMY (US)
Cc: [REDACTED] USA JFHQ-NCR/MDW SJA; [REDACTED] USA JFHQ-NCR/MDW SJA
Subject: RE: REQUEST FOR SEARCH OF NAVY RECORDS (UNCLASSIFIED)

Sir,

Thanks! We would like to send out the letters as soon as possible to not have any future delays.

v/r
Ashden

From: [REDACTED]@cybercom.mil]
Sent: Wednesday, July 11, 2012 12:43 PM
To: Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Cc: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; [REDACTED]
Subject: FW: US v. Manning

CW2 Ford,
I now have all disk in my possession but need to get them properly wrapped for transport.
Who will be the recipient for the disk and is the paralegal coming to pick up the disk
bringing courier bags? Thanks.

[REDACTED]
[REDACTED] Law Center
US Cyber Command
Comm: [REDACTED]

DSN: [REDACTED]

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, July 11, 2012 6:00 PM
To: [REDACTED]
Cc: [REDACTED] Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA; john.b.haberland.mil@mail.mil; Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; von Eiten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Subject: Document Review

[REDACTED],

Understanding this is such short notice, is it possible for two of us to come over tomorrow to continue our review on Tasker 1 material at A? I apologize for the short notice, but we are trying to squeeze in all our reviews around DC and complete them this week. This will enable us to tell the Court on Monday that we finished our reviews and are working on obtaining the discoverable documents. Additionally and more importantly, this will allow us to start requesting Brady/discoverable documents, which we will need to turn over or take action under MRE 505 (CIPA) by 3 August, thus providing the Department more time.

Thank you!

V/r
Ashden

From: Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]
Sent: Thursday, July 12, 2012 9:39 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; David Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

MAJ Fein

1. Could you direct me to the order which indicates who can, and who cannot, use SIPRNET email for filing in this case? Also, please let me know if you need anything from me to change that. I have the capability, and it would be a shame to waste it.

2. Could you direct me to the order which indicates what members of the defense team can examine on the SIPRNET?

Thanks.

Tom Hurley

-----Original Message-----

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA [mailto:Ashden.Fein@ifhqncr.northcom.mil]
Sent: Thursday, July 12, 2012 9:28 AM
To: Hurley, Thomas F MAJ OSD OMC Defense; David Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

MAJ Hurley,

Thank you. Currently, no defense counsel is authorized to use SIPRNET for this case, including the filing process. We will work through our security experts and HQDA to determine whether you can be authorized to use SIPRNET. Also, based on your access in your current assignment, please remember that no member of the defense (counsel or expert) is authorized to view any classified information, unless an OCA has specifically authorized the individual document or information to be viewed, including information on SIPRNET.

v/r
MAJ Fein

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [mailto:thomas.hurley@osd.mil]
Sent: Thursday, July 12, 2012 8:57 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; David Coombs
Cc: Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update

MAJ Fein

I have a functioning SIPR email address. thomas.hurley@osd.smil.mil

Please include it, when appropriate, on future filings with the court or use it as necessary to conduct the business of the trial.

Thanks.

MAJ Hurley

-----Original Message-----

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
[\[mailto:Ashden.Fein@jfhqncr.northcom.mil\]](mailto:Ashden.Fein@jfhqncr.northcom.mil)

Sent: Wednesday, July 11, 2012 9:36 PM

To: David Coombs

Cc: Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA

Subject: Update

David,

1. On the first day of each session, the command will have a barber at the courthouse for your client. Please ensure that PFC BM or the defense provide the command with \$9.40 so they can pay the barber.
2. SIPRNET documents. After consulting with our security experts, the United States updated the pleadings and resent them to the Court and defense experts via SIPRNET tonight. The documents are properly marked with the administrative security data, IAW EO, applicable regulations, and derivative classification training and manuals. No substantive information was changed in the filings, thus this is a "corrected copy" of the previous filing. Additionally, the information was already properly sourced by referencing the
"See Enclosure #," so any individual who is an authorized recipient should know what information is classified or not for purposes of the motions practice.

Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, July 12, 2012 10:32 AM
To: Hurley, Thomas F MAJ OSD OMC Defense
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Ellen, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Update
Importance: High

MAJ Hurley,

1. The Court's Protective Order, dated 16 Mar 12 states that all filings will be through defense security experts. This was written based on defense counsel not having the authority or access to SIPRNET. Understanding that you do have access to SIPRNET email, we are reviewing the authorization process for use of SIPRNET email. We do not need a request or anything from you for this capability.

2. There is no order in place which indicated what members of the defense can examine, because members of the defense are only authorized to view or access classified information that has been approved by an OCA, therefore turned over in discovery. Any classified information that has not been positively turned over in discovery cannot be viewed or accessed by any member of the defense. Up to this point, the only exception was granted by the Deputy Army G2 for the limited purpose of the defense security experts conducting the preliminary classification review. Please refrain from viewing any classified information on SIPRNET and/or JWICS before we get this issue resolved, and we are actively working the issue today.

v/r
MAJ Fein

From: David Coombs [coombs@armycourt martialdefense.com]
Sent: Thursday, July 12, 2012 1:27 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Hurley, Thomas F MAJ OSD OMC Defense
Cc: Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA
Subject: Article 13 Witnesses

Ashden,

Does the Government intend on calling any witnesses for the Article 13 motion? If so, do you plan on filing your witness list prior to the upcoming motions hearing? I had anticipated that the Government would file its witness list at the same time it filed the objection to the Defense's requested witnesses. Since you did not, do you intend on not calling witnesses?

Best,
David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906
Toll Free: 1-800-588-4156
Local: (508) 689-4616
Fax: (508) 689-9282
coombs@armycourt martialdefense.com
www.armycourt martialdefense.com

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From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Thursday, July 12, 2012 6:13 PM
To: David Coombs
Cc: Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US);
Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW
SJA
Subject: RE: Article 13 Witnesses

David,

The United States does not know which witnesses it will call until we receive the defense's motion, in order to know what issues the defense raises. Once we receive the motion, then we will be able to assess which witnesses.

v/r
Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 17, 2012 8:19 PM
To: [REDACTED] IRR USA USCENTCOM CCJA-SJA
Cc: [REDACTED] IMA USA USCENTCOM CCJA-SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: Time Sensitive Request for Information
Attachments: CENTCOM.pdf

Sir,

Good evening. Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to your organization. This request is time sensitive and we request the material no later than 31 August 2012. Also, please note this does not include [REDACTED] which we are going through the USN.

Thank you!

v/r

Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 17, 2012 8:20 PM
To: [REDACTED]
Cc: [REDACTED]; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA;
Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA
JFHQ-NCR/MDW SJA
Subject: Time Sensitive Request for Information
Attachments: DIA.pdf

Sir,

Good evening. Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to your organization. This request is time sensitive and we request the material no later than 31 August 2012.

Thank you for the continued support!

V/r

MAJ Fein

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 17, 2012 8:21 PM
To: [REDACTED]
Cc: [REDACTED] Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: Time Sensitive Request for Information
Attachments: Department of State.pdf

[REDACTED]

Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to the Department. This request is time sensitive and we request the material no later than 31 August 2012.

Thank you!

V/r

Ashden

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 17, 2012 8:29 PM
To: [REDACTED] CDR USSOUTHCOM JTFGTMO'
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: Time Sensitive Request for Information
Attachments: JTF Guantanamo.pdf

Sir,

Good evening. Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to your organization. This request is time sensitive and we request the material no later than 31 August 2012. We did not include flag officers on this request, as we will be submitting that request to the USN.

Thank you!

V/r

Ashden

Ashden Fein

Major, US Army

202-685-4572 (direct / STE)

202-685-1975 (office)

From: [REDACTED]@dodiiis.mil]
Sent: Wednesday, July 18, 2012 8:02 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Time Sensitive Request for Information

Got it. We'll get back to you. [REDACTED]

[REDACTED]
[REDACTED]
Defense Intelligence Agency
[REDACTED]

From: [REDACTED]@centcom.mil]
Sent: Wednesday, July 18, 2012 8:10 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: [REDACTED] Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA; [REDACTED] LtCol MIL USMC USCENTCOM CCJA-SJA; [REDACTED] Ms CIV USAF USCENTCOM CCJA-SJA [REDACTED]
Subject: RE: Time Sensitive Request for Information
Attachments: CENTCOM.PDF
Importance: High

Ashden:

Got it. With me transitioning in September, [REDACTED] (who's also our Litigation Support/FOIA/Privacy Act attorney) is starting to pick-up Manning. I have cc'd her on this, and she will be back in the office tomorrow morning.

v/r

[REDACTED]

[REDACTED]

[REDACTED]

Chief, Administrative Law

DSN: [REDACTED]

COM: [REDACTED]

VOSIP: [REDACTED]

From: [REDACTED]@state.gov]
Sent: Wednesday, July 18, 2012 8:34 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Time Sensitive Request for Information

Ashden,

Thank you for this. We will initiate searches for Giglio material for the listed witnesses and will have Giglio letters prepared for you by the August 31 deadline.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

U.S. Department of State

T +1 [REDACTED]

E [REDACTED]

E (classified) [REDACTED]

From: [REDACTED] (US) [REDACTED] @mail.mil]
 Sent: Wednesday, July 18, 2012 9:39 AM
 To: [REDACTED] (US); [REDACTED] USARMY HQ INSCOM (US); [REDACTED] (US); [REDACTED] (US); [REDACTED] USARMY (US); [REDACTED] USARMY HQ INSCOM (US); [REDACTED] (US); [REDACTED] USARMY HQDA DCS G-2 (US)
 Cc: [REDACTED] USARMY (US); [REDACTED] USARMY (US); [REDACTED] USARMY (US); [REDACTED] USARMY (US); [REDACTED] (US); [REDACTED] USARMY (US); [REDACTED] USARMY NGIC (US); [REDACTED] (US); [REDACTED] (US); Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; [REDACTED] USARMY (US); [REDACTED] (US)
 Subject: FW: Time Sensitive Request for Information (UNCLASSIFIED)
 Attachments: INSCOM.pdf

Classification: UNCLASSIFIED
 Caveats: FOUO//SENSITIVE

[REDACTED], and [REDACTED]

Attached is a request from the Manning prosecution team asking INSCOM to review all INSCOM files pertaining to the following individuals in order to determine whether there is any information in INSCOM files that might have a negative impact on the individuals' testimony, call into question their credibility or otherwise be useful for impeachment by the defense. Some examples of potentially responsive materials are listed in paragraph 4 of the attached memo.

[REDACTED] (NGIC)
 [REDACTED] (902d/Contractor)
 [REDACTED] (902d)
 [REDACTED] (902d)
 [REDACTED] (902d)
 [REDACTED] (?)
 [REDACTED] (G2X)

In response to the request, we need to ensure that we identify any elements within this command that hold any records, including personnel records, security files, investigative files (CI and 15-6), adjudicative files and any informal supervisory files pertaining to these individuals. Then we need to review the files, identify, preserve and copy any potentially responsive materials and consolidate all of the potentially responsive materials so that we can get the information to MAJ Fein as quickly as possible. This needs to be a thorough review and we need to be looking for potentially negative information.

Because of the time-sensitive nature of this request, we need all potentially responsive materials provided to this office NLT COB on Friday, 3 August. The materials can be submitted electronically. NEGATIVE RESPONSES ARE REQUIRED.

Please email responses and responsive materials directly to LTC Sutera. Please cc [REDACTED] and me. The 3 August suspense is necessary to provide this Headquarters time to review, evaluate, deconflict and consolidate potentially responsive materials and get it to the prosecution ahead of their suspense.

If you have any questions, please let me know.

■

Although the specific request to INSCOM only relates to the seven individuals identified above, if you look at the request, there are significantly more Army witnesses identified. In order to ensure that the Army has applied due diligence for all Army witnesses, I respectfully request that you review CCF records for all Army witnesses to determine if there is any derogatory or potentially derogatory information in any of the witnesses' files. Unfortunately, your search will be more complicated than the ones the units will need to conduct because some of the information that may have been disclosed during the investigation or review process (i.e. financial problems, previous drug usage...) would likely fall within the government's obligation to disclose.

As far as the 3 Aug suspense to INSCOM, that only applies to the seven (7) named individuals above. Please work with ■■■■■ to determine a suspense and delivery method for the materials pertaining to non-INSCOM personnel.

■■■■■

Classification: UNCLASSIFIED
Caveats: FOUO//SENSITIVE

From: [REDACTED] CDR USSOUTHCOM JTFGTMO
[REDACTED]@jtfgtmo.southcom.mil]
Sent: Wednesday, July 18, 2012 10:01 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: RE: Time Sensitive Request for Information (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

Major Fein,

We will move out on this. However, one point worth clarifying is that Mr. [REDACTED] is a contractor. Thus, JTF-GTMO may not have cognizance over any derogative evidence regarding Mr. [REDACTED].

Vr/ [REDACTED]

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Wednesday, July 18, 2012 11:09 PM
To: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]@dni.gov; [REDACTED]@dni.gov; [REDACTED]@dni.gov; Ford, Arthur D.
CW2 USA JFHQ-NCR/MDW SJA; [REDACTED]@dni.gov
Subject: RE: update

Hunter-

Please prepare a complete list of the entities that already approved the release of their information and that we have actually produced for [REDACTED] and [REDACTED]. This should assist them in the approval process so they know what we have already done. I would like us to send it to them NLT Friday morning.

Thank you.

From: Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Sent: Thursday, July 19, 2012 1:30 PM
To: [REDACTED] USCENTCOM CCJA-SJA
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Court-Martial Witness List (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]:

Sorry for the delay. We are up at Fort Meade in a motions hearing again. CPT Whyte who is cc'ed is the lead on the Giglio requests. We can give you a call whenever you are available this afternoon. Thanks.

VR
ANGEL M. OVERGAARD
CPT, JA
Trial Counsel, MDW
(202) 685-2051

To: [REDACTED] (US)
Subject: Time Sensitive Request for Information
Attachments: Army G-2(cert).pdf

Sir,

Good Morning. I am the lead prosecutor in the court-martial of United States v. PFC Bradley Manning ("Wikileaks"). Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to your organization. This request is time sensitive and we request the material no later than 31 August 2012.

Thank you!

V/r
MAJ Fein

Ashden Fein
Major, US Army
202-685-4572 (direct / STE)
202-685-1975 (office)

From: [REDACTED] USARMY (US) [REDACTED].mil@mail.mil]
Sent: Thursday, July 19, 2012 5:15 PM
To: [REDACTED] USARMY (US); [REDACTED] USARMY (US); [REDACTED] USARMY (US); [REDACTED] USARMY (US); [REDACTED] CIV USARMY NGIC (US); [REDACTED] CIV (US); Fein, Ashden MAJ
USA JFHQ-NCR/MDW SJA; [REDACTED] USARMY (US); [REDACTED]
CIV (US)
Cc: [REDACTED] USARMY (US); [REDACTED] CIV (US); [REDACTED] CIV
USARMY HQ INSCOM (US); [REDACTED] CIV (US); [REDACTED] CIV (US);
[REDACTED] CIV (US); [REDACTED] CIV (US); [REDACTED] CIV USARMY HQ
INSCOM (US); [REDACTED] USARMY HQDA DCS G-2 (US); [REDACTED]
CIV (US)
Subject: RE: Time Sensitive Request for Information (UNCLASSIFIED)
Attachments: [REDACTED]
Signed By: [REDACTED]@us.army.mil

Classification: UNCLASSIFIED
Caveats: FOUO//SENSITIVE

Good evening,

Alcon,

The first seven potential witness files were carefully reviewed for derogatory information and noted. CCF utilized all available sources when reviewing these cases. Any files require by your agency will be processed through legal channels.

If you need further assistance or questions please let me know.

Thank you

Respectfully,

[REDACTED]
CCF, NCOIC
301-833-3105

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, July 20, 2012 9:54 AM
To: [REDACTED]
Subject: RE: Court Date

Sir,

Are you available to discuss? Thank you.

v/r
MAJ Fein

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Friday, July 20, 2012 10:06 AM
To: [REDACTED] USARMY (US)
Cc: [REDACTED] SES (US); Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: Time Sensitive Request for Information
Attachments: Army G-3(cert).pdf

Sir,

Good morning. I am the lead prosecutor in the court-martial of United States v. PFC Bradley Manning ("Wikileaks"). Attached you will find the prosecution's request for potential impeachment evidence for civilian witness(es) assigned to the G-3/5/7. This request is time sensitive and we request the material no later than 31 August 2012. If you have any questions, please call me or CPT Hunter Whyte, the prosecutor assigned to track these requests.

Thank you!

V/r

MAJ Fein

Ashden Fein
Major, US Army
202-685-4572 (direct / STE)
202-685-1975 (office)

From: [REDACTED]@dodiis.mil]
Sent: Friday, July 20, 2012 11:53 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: RE: Court Date

Yep. [REDACTED]

[REDACTED]
Defense Intelligence Agency
[REDACTED]

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Monday, July 23, 2012 8:07 PM
To: Hurley, Thomas F MAJ OSD OMC Defense
Cc: 'David Coombs'; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Discovery

MAJ Hurley,

Do you have exclusive use of the safe in your office where no one else can access the information but for you and your security manager? If not, is it possible to setup the safe you have for exclusive use, and if not, then can we have an additional safe delivered to your office? Thanks.

v/r
Ashden

From: [REDACTED]@centcom.mil]
Sent: Tuesday, July 24, 2012 7:51 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA
Cc: [REDACTED] USA USCENTCOM CCJA-SJA; [REDACTED] USCENTCOM CCJA-SJA
Subject: FW: CENTCOM Air Force Civilian Personnel - Trial Counsel Request to Search for, Preserve, and Disclose Impeachment Material - U.S. v. Manning

Major Fein / Captain Overgaard

Air Force Personnel Center (at Randolph Air Force Base (San Antonio Texas) would have the official derogatory/impeachment information for Air Force Civilian employees. CENTCOM will more than likely only have supervisor files (called AF 971s).

Please note, some employees here at CENTCOM are not Air Force employees. For example, a significant number of CCJ2 (Intelligence Directorate) employees are really Defense Intelligence Agency (DIA) employees who would have their own personnel center. Again, CENTCOM may have a supervisor file, but not much more.

If you would like, I can try and locate a POC at Air Force Personnel Center to work with. if that is what you would like, just let me know.

v/r
[REDACTED]

From: [REDACTED] CDR USSOUTHCOM JTFGTMO
 @jtfgtmo.southcom.mil]
 Sent: Tuesday, July 24, 2012 9:27 AM
 To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; [REDACTED] CDR USSOUTHCOM JTFGTMO
 Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; [REDACTED] USSOUTHCOM JTFGTMO
 Subject: RE: More [REDACTED] (UNCLASSIFIED)

Classification: UNCLASSIFIED
 Caveats: FOUO

MAJ Fein,

My office is currently coordinating with our J2 to determine whether there is any responsive information that JTF-GTMO possesses pertaining to your Giglio/Henthorn request. Mr. [REDACTED] is a civilian contractor employed by [REDACTED]. Since JTF-GTMO does not have access to [REDACTED]'s personnel files, we'd ask that you contact Mr. [REDACTED] civilian employer directly for this information. The on-site [REDACTED] is [REDACTED] and can be reached at [REDACTED]. He should be able to assist you with respect to obtaining any personnel information that the company maintains.

[REDACTED]

If JTF-GTMO does possess any responsive information, we'll be in touch.

Vr/
 [REDACTED]
 [REDACTED]
 CDR JAGC USNR
 OIC-Legal Proceedings Support
 JTF-GTMO/SJA
 DSN: [REDACTED]
 Comm: [REDACTED]
 [REDACTED] @jtfgtmo.southcom.mil
 [REDACTED] @jtfgtmo.southcom.smil.mil

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Classification: UNCLASSIFIED
Caveats: FOUO

From: [REDACTED]@centcom.mil]
Sent: Tuesday, July 24, 2012 9:53 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; [REDACTED] Ms CIV USAF USCENTCOM CCJA-SJA; [REDACTED] LICol MIL USMC USCENTCOM CCJA-SJA
Subject: SFC RES USA USCENTCOM CCJA-SJA
RE: Time Sensitive Request for Information

Ashden:

Got it. Thanks.

We spoke with CPT Overgaard yesterday. Per the written request, we are going to do a records search of USCENTCOM's files for impeachment material.

Also, I am going to contact the witnesses to let them know that the records search is being conducted in the event that they have any questions about it. However as we discussed with Angel, USCENTCOM CCJA is not going to discuss directly with any of the witnesses adverse information. Talking directly with a witness regarding such information is properly within the purview of the trial attorneys on the case.

v/r

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Administrative Law

DSN: [REDACTED]

COM: [REDACTED]

VOSIP: [REDACTED]

From: [REDACTED] CDR USSOUTHCOM JTFGTMO
@jtfgtmo.southcom.mil]
Sent: Tuesday, July 24, 2012 11:19 AM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA; [REDACTED] CDR USSOUTHCOM
JTFGTMO
Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA
JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten,
Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW
SJA; [REDACTED] USSOUTHCOM JTFGTMO
Subject: RE: More [REDACTED] (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

MAJ Fein,

JTF-GTMO does not possess any derogatory information about Mr. [REDACTED]. Please let us know if you need anything further.

Vr/
[REDACTED]

[REDACTED]
[REDACTED]
CDR JAGC USNR
OIC-Legal Proceedings Support
JTF-GTMO/SJA
DSN: [REDACTED]
Comm: [REDACTED]

[REDACTED]@jtfgtmo.southcom.mil
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INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

USE OF FORM - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

COPIES - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

ARRANGEMENT - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.
2. Judge advocate's review pursuant to Article 64(a), if any.
3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.
4. Briefs of counsel submitted after trial, if any (Article 38(c)).
5. DD Form 494, "Court-Martial Data Sheet."
6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.
7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

- a. Errata sheet, if any.
- b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.
- c. Record of proceedings in court, including Article 39(a) sessions, if any.
- d. Authentication sheet, followed by certificate of correction, if any.
- e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.
- f. Exhibits admitted in evidence.
- g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.
- h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.